

∞ DUFOUR ∞
California Safety, Environmental, & Regulatory Law

James T. Dufour, M.S., J.D., C.I.H.
Attorney and Counselor at Law

**Administrative and Employment Law
Environmental and OSHA Regulations
Dufour Seminars & Training**

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April 20, 2020

VIA E-MAIL:

Desean Garnett
U.S. EPA Region 9
75 Hawthorne Street, MC ORC-2-4
San Francisco, CA 94105

**Re: Airtech International, Inc., 5700 Skylab Road, Huntington Beach, CA 92647
 Docket No. CWA-09-2020-0011—Request for Extension of Time for SEP
 Performance**

Dear Mr. Garnett:

I hope that you and your family and all of your colleagues are well and effectively coping with the challenges presented by COVID-19.

In that regard, Airtech International, Inc. has been advised that due to beach closings ordered by state and local government, the portion of the Supplemental Environmental Project related to performing five (5) community beach clean-ups, which had not begun, cannot be foreseeably completed at the present time. (See attached letter from Orange County Coastkeeper). The CA/FO in this matter required the beach clean-ups to be completed by December 31, 2020 (Paragraph 29). It also requires a progress report by July 2, 2020 (Paragraph 32). Although the Orange County Coastkeeper letter advises that oyster bed replanting and the eelgrass survey are continuing, but modified and hopefully not delayed, there is uncertainty due to changing COVID-19 information and orders with respect to essential and other activities.

Given these circumstances, although Airtech has already paid a substantial portion of the SEP costs, the above facts indicate that a July 2, 2020 progress report will not be meaningful and the five (5) beach clean-ups will probably not be performed by the December 31, 2020 deadline.

Therefore, as suggested by Orange County Coastkeeper, an extension of the completion dates is requested by Airtech. A December 31, 2020 deadline for a progress report and final completion date of all project tasks of September 1, 2021 are proposed. Under the proposed revised schedule, a final report, as specified in Paragraph 33, would be due within 30 days of project completion, but no later than September 1, 2021.

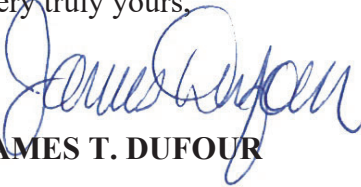
Desean Garnett
April 20, 2020
Page 2

Given the language of Paragraph 39, in particular, subparagraphs (e) and (f), and the extremely unusual intervention of the COVID-19 situation, it may not be necessary to revise the CA/FO.

Please let me know your thoughts.

Your cooperation will be sincerely appreciated.

Very truly yours,



JAMES T. DUFOUR

JTD:kb

Attachment

cc: Lawrence Torres, U.S. EPA
John Maligie, Airtech



3151 Airway Ave, Suite F-110
Costa Mesa, CA 92626
Phone 714-850-1965
www.Coastkeeper.org

Via Email:

James T. Dufour, M.S., J.D., C.I.H.
Attorney and Counselor at Law
819 F Street, Sacramento, California 95814-1305

CC:
Airtech International, Inc.
Attn: John Maligie
Senior Vice President/Manufacturing
5700 Skylab Road
Huntington Beach, CA 92647

April 17, 2020

Re: Requesting an extension for Orange County Coastkeeper's work program with Airtech International, Inc.

Per our agreement approved on February 10th, 2020 we agreed to hold 5 community beach cleanups. As of March 17th, 2020 we cancelled all of our beach cleanup events for the time being as a result of COVID-19. As these events are gatherings of more than 10 people we are unable to hold these events at this time. As of April 1st, we also unfortunately had to furlough our staff member who ran the beach cleanup program.

The field work for the oyster restoration project will hopefully continue as planned, with some modifications but we are optimistic that we will not see a major interruption or delay in that work.

Due to the uncertainty with when we can resume beach cleanup activities, we are requesting to extend the completion date for our work program and change our final report date from September 1, 2020 to September 1, 2021. Thank you for your understanding and flexibility on this requested adjustment. Please let me know if you have any questions or need anything else.

Thank you,

A handwritten signature in black ink that reads "Katie Nichols".

Katie Nichols, Marine Restoration Director
Orange County Coastkeeper
Katie@coastkeeper.org
Fed Tax ID# 33-0847892

From: [Connolly, Scott](#)
To: [Riedel, Brian](#)
Cc: [Brahmbhatt, Roshni](#); [Shepherdson, Melanie](#); [Zellinger, Andrew](#)
Subject: FW: AB&I Request for Extension on CAA 114 (a) RIF Response – 120 Days
Date: Thursday, April 30, 2020 3:19:31 PM

Hi Brian,

I received this request for an extension on AB&I's Information Request. (b)(5) Deliberative

(feel free to weight in
Melanie/Roshni, if you have thoughts), or if you would like to discuss.

If you have any other questions or would like to discuss, let me know.

Thanks,

Scott

From: Melisa Cohen <melisa.cohen@abifoundry.com>
Sent: Thursday, April 30, 2020 3:07 PM
To: Connolly, Scott <Connolly.Scott@epa.gov>
Subject: AB&I Request for Extension on CAA 114 (a) RIF Response – 120 Days

Scott,

As we discussed last Friday, AB&I is in receipt of the Section 114(a) Request for Information (RFI) issued by EPA Region 9 on April 22, 2019. While we have already begun assembling the requested materials, AB&I will not be able to fully respond within the requested thirty (30) day timeframe and is thus requesting an extension for response to 120 days.

As with many businesses, AB&I has been impacted by the COVID-19 pandemic. Just as you are, we are working remotely in light of the COVID-19 pandemic with the inefficiencies that entails (less than complete access to electronic records, no access to paper files, childcare and other family obligations, and the like). Even once AB&I reopens, I do not expect our full Environmental Staff to be immediately available on-site. It has already been challenging keeping up with the standard compliance activities under these circumstances especially in lieu of upcoming deadlines for reports such as GHG and TRI.

A further complication apart from the coronavirus is that there has been a lot of transition in AB&I's Environmental Department the past few years. I only joined AB&I in my role as the Environmental Manager just over a year ago in January 2019 and two of my three Team Members here have been on board just over two years. The former long-term Environmental Manager (20+ years) accepted another job back in late 2017 and left at the same time as the lead Environmental Specialist as well as AB&I's VP of Operations (long-term Lead Engineer) who provided oversight to the Environmental Department died unexpectedly last March. Many of the requests seek

information from 2015 and several date back to 2010 date beyond most of the current Team and will require additional effort to locate the archived information. Finally, the Request for Information seeks an incredibly expansive amount of information. Absent any complicating factors at all, a full and complete response within a 30-day period would be exceedingly difficult.

As I mentioned above, we have already begun collecting the requested information and anticipate making an initial production to you within 30 days (by Monday, May 25). AB&I proposes to continue to provide information on a rolling basis no less frequently than every 30 days. We anticipate that we should be able to provide a complete response and certification within 120 days. We will strive to do so sooner; if we encounter any unexpected issues, we will of course alert you promptly.

My understanding from our telephone call last week was that it was ok for me to submit the present request for an extension via email. If a different or a request from a "responsible corporate official" is needed, please let me know as soon as possible so we can get out before the 10 day deadline (by Saturday May 2nd)

Thank you for your consideration of this request. We look forward to working cooperatively with you through this process. If you have questions or would like to discuss further, please don't hesitate to reach out to me.

Regards, Melisa

Melisa Cohen
Environmental Manager
AB&I Foundry
7825 San Leandro Street
Oakland, CA 94621
Office: (510)633-5224
Cell: (510)332-3569
melisa.cohen@abifoundry.com



March 27, 2020

Chief
Permits Office, (Attention Air-3)
Air Division
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

SUBJECT: 2020 MATS Annual Mercury and 2nd Quarter PM Test
AES Hawaii, LLC Covered Source Permit (CSP) No. 0087-02-C
Notice of Force Majeure

Dear Sir/Madam,

This letter is to inform you that due to the worldwide COVID-19 Pandemic and corresponding government recommendations and actions, AES Hawaii, LLC ("AES Hawaii") must postpone the MATS Annual Mercury performance tests as required by 40 C.F.R. § 63.10021(d)(2), 40 C.F.R. § 63.10006(b) for 2020 on "A" and "B" Boilers that is currently scheduled on April 13, 2020 and the MATS 2nd Quarter PM performance test as required by 40 C.F.R. § 63.10021(d)(2), 40 C.F.R. § 63.10006(c) for the 2nd quarter in 2020 on "A" Boiler that is currently scheduled on June 8, 2020.

AES Hawaii operates a 180 MW coal-fired electric generating station on Oahu, Hawaii. In accordance with federal law, AES Hawaii conducts performance tests to demonstrate compliance with the United States Environmental Protection Agency's Mercury and Air Toxics ("MATS") regulations. AES Hawaii has contracted with AirKinetics, Inc. (AKI) of Anaheim, California, to conduct the test, which would require AKI personnel or contractors to travel from California to AES Hawaii's facility.

The MATS regulations provide a process for an operator to notify the regulator when a force majeure event may cause a delay in testing beyond the specified regulatory deadline. 40 C.F.R. § 63.7(a)(4)(i). The rules further define a force majeure as "an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation." 40 C.F.R. § 63.2.

Accordingly, this letter serves as notification under 40 C.F.R. § 63.7(a)(4)(i) that due to force majeure the testing will have to be delayed beyond the regulatory deadline and to therefore request an extension of the testing deadline. For AKI personnel to travel to our facility to conduct the testing would be inconsistent with current guidelines related to the COVID-19 Pandemic, which are rapidly evolving, and with recommendations from the Center for Disease Control ("CDC"). In



addition, having personnel from AKI or any other contractors traveling to AES Hawaii and entering the facility to conduct the performance test may violate the rules relating to quarantine in the second supplementary proclamation signed by the Governor of Hawaii on March 21, 2020.

Because of the evolving nature of the current global pandemic, we are uncertain at this time when both the Annual Mercury Testing and the 2nd Quarter PM testing can be conducted. However, AES Hawaii will conduct the performance testing "as soon as practicable," as directed by the MATS regulations. 40 C.F.R. § 63.7(a)(4)(ii). Based on current information, AES Hawaii is currently proposing to conduct the testing on or before the end of July 1, 2020. Depending on the state of the global pandemic at that time, applicable travel guidelines, and contractor availability, a further extension may possibly be needed.

AES Hawaii will continue to operate and maintain its facility, including its pollution controls. As such, we do not expect that this brief delay in conducting the MATS Testing will result in an exceedance of any of the permitted emissions at the facility, nor should it be expected to result in any adverse (non-permitted) impacts to the air quality or the human health and safety.

Please feel free to contact Priya Kumar, AES Hawaii's Environmental Coordinator at 682-3409, or e-mail at priya.kumar@aes.com with any questions that you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Barnoski", is written over a horizontal line.

Steven Barnoski
Plant Manager
AES Hawaii, LLC

From: Mark Hurley <MHurley@albanyca.org>
Sent: Tuesday, March 31, 2020 9:57 AM
To: Weiss, Michael <weiss.michael@epa.gov>; Plummer, Sam@Waterboards
<sam.plummer@waterboards.ca.gov>
Cc: Robert Gonzales <RGonzales@albanyca.org>
Subject: Sewer Consent Decree - COVID Check-in

Mike and Sam,
I hope you are both doing well and staying safe.

Robert and I would like to schedule a call for this week to discuss with you some of the issues that we are having completing our work and how it might impact compliance. Please let me know when you are available and I can schedule a zoom call.

Thanks,

Mark



Mark Hurley, PE
Public Works Director/City Engineer
City of Albany
Office: (510) 559-7255
Cell: (415) 850-7058

Morimoto, Kaoru

From: Morimoto, Kaoru
Sent: Friday, May 8, 2020 12:45 PM
To: Morimoto, Kaoru
Subject: Berkeley Farms Request

From: Henry, Karen <Henry.Karen@EPA.GOV>
Sent: Tuesday, March 31, 2020 7:43 PM
To: Chad Peddy <Chad_Peddy@deanfoods.com>
Cc: Randy Vick <randy_vick@deanfoods.com>; Joel Dickinson <Joel_Dickinson@DEANFOODS.com>; Morimoto, Kaoru <Morimoto.Kaoru@epa.gov>
Subject: RE: ACTION: EPA ESA offer to Berkeley Farms

EXTERNAL EMAIL

Follow-up to acknowledgment for facility compliance delay due to Covid-19: Needed to clarify.

ACTION: The original due date would have been around April 15, therefore, giving an extension of an additional 30 days or until May 15, 2020.

Thank you for your cooperation,

kh

Karen Henry, RMP Inspector/Enforcement Officer
U.S. EPA - Enforcement and Compliance Assurance Division
Hazardous Waste and Chemical Section, ENF-2-2
75 Hawthorne Street
San Francisco, CA 94105
henry.karen@epa.gov
415-972-3844



From: Henry, Karen
Sent: Monday, March 23, 2020 12:45 PM
To: 'Chad Peddy' <Chad_Peddy@deanfoods.com>
Cc: Randy Vick <randy_vick@deanfoods.com>; Joel Dickinson <Joel_Dickinson@deanfoods.com>; Morimoto, Kaoru <Morimoto.Kaoru@epa.gov>
Subject: RE: ACTION: EPA ESA offer to Berkeley Farms

Email received.

And acknowledge due to the Covid -19 virus one portion of ESA may be delayed until contractors come off of their shelter in place order (and complete labeling onsite)

kh

Karen Henry, RMP Inspector/Enforcement Officer
U.S. EPA - Enforcement and Compliance Assurance Division
Hazardous Waste and Chemical Section, ENF-2-2
75 Hawthorne Street
San Francisco, CA 94105
henry.karen@epa.gov
415-972-3844



From: Chad Peddy <Chad_Peddy@deanfoods.com>
Sent: Monday, March 23, 2020 12:35 PM
To: Henry, Karen <Henry.Karen@EPA.GOV>
Cc: Randy Vick <randy_vick@deanfoods.com>; Joel Dickinson <Joel_Dickinson@deanfoods.com>
Subject: FW: ACTION: EPA ESA offer to Berkeley Farms

Karen Henry:

Docket NO: CAA (112r)-09-2020

Berkeley Farms accepts the Expedited Settlement Agreement along with the opportunity to resolve the alleged violations and will have the requested documents to you by the 30-day deadline.

During the COVID-19 shelter in place order, our Ammonia Contractor is taking appropriate precautions to limit the spread of this virus. This has delayed the Berkeley Farms ammonia pipe labeling project beyond the 30-day timeframe. They will complete our labeling project as their qualified staff are available.

I thank you for working with us during this unprecedented time in our world.

Chad Peddy, **CSP, REM**

EHS Manager of Operations

510-265-8769



Berkeley Farms, Hayward CA

Model Dairy, Reno NV

chan/di

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

KIRK CALDWELL
MAYOR



March 30, 2020

LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RE 20-012

RETURN RECEIPT REQUESTED

Mr. Brian P. Riedel
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

SUBJECT: Civil No. 1:15-CV-00173 Consent Decree
DOJ Case No. 90-5-2-1-090044/1
Force Majeure Event Due to COVID-19 Pandemic

Dear Mr. Riedel:

The City and County of Honolulu ("City") is writing to notify the United States Environmental Protection Agency ("EPA") of a *force majeure* event, as defined in Paragraph 40 of the Consent Decree in the above-entitled action. Both the State of Hawaii and City have issued emergency proclamations and executive orders (collectively, "Orders") relating to the COVID-19 pandemic. The City reasonably anticipates that the pandemic and Orders may affect the City's ability to achieve Supplemental Environmental Project ("SEP") Construction Completion by June 2020 as required by Paragraph 10 of the Consent Decree.

The SEP required by the Consent Decree is the installation of a photovoltaic system at the City's waste-to-energy facility located at 91-174 Hanua Street, Kapolei, Hawaii. On July 18, 2018, the City executed a contract with ENGIE Services U.S. Inc. ("ENGIE") to perform work to design, build, operate and maintain the photovoltaic system for the Solar Building Project. The City timely commenced work on the photovoltaic system.

At this time, the construction and work related to the Solar Building Project are considered essential under the Orders that were issued. Therefore, the City and ENGIE expect work to continue on the project. On March 23, 2020, ENGIE informed the City that it has not received notification of delays but provided notice that there may be potential delays due to the mandated work restrictions issued by local, state and federal mandates due to COVID-19. A copy of the email to the City from ENGIE, dated March 23, 2020, and the letter ENGIE transmitted with the email, are enclosed for your reference.

20 APR -1 10:07
M. RECEIVED
CORPORATION COUNSEL
CAND C OF HONOLULU

Mr. Brian P. Riedel
March 30, 2020
Page 2

The COVID-19 situation is constantly evolving and the City acknowledges that the global pandemic could impact ENGIE's performance and the City's ability to timely and satisfactorily achieve SEP Construction Completion by June 2020. Accordingly, the City requests that the EPA take notice of the *force majeure* event. If the situation changes and delays become a concern, the City will supplement this request with additional information, including the following: An explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; and the City's rationale for attributing such delay to the *force majeure* event.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lori M.K. Kahikina', with a stylized flourish at the end.

Lori M.K. Kahikina, P.E.
Director

Enclosure

cc: Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice

Rachel Moriyama, Assistant United States Attorney
Office of the United States Attorney

Manager, Clean Air Branch
Hawaii State Department of Health

Kamilla C.K. Chan, Deputy Corporation Counsel
Department of the Corporation Counsel

Lopez, Gaudencio C

From: stacey.kawano@engie.com
Sent: Monday, March 23, 2020 4:00 PM
To: Lopez, Gaudencio C; cloo@bowersandkubota.com
Cc: darin.mingo@engie.com; jonathan.brown@engie.com; Lanuevo, Manuel S
Subject: ENGIE Team Response during COVID19
Attachments: 2020_03_19_C&C Customer Outreach Message_COVID19 - HPOWER signed.pdf

Hi Dennis,

Please find attached correspondence on the ENGIE Team's response during this time.

Pursuant to the City's Executive Order 2020-02 list of essential services, we are considering H-POWER construction as an essential activity that should continue. Our primary subcontractors have expressed alignment with this and are choosing to proceed with work; this is of course subject to any changes to the Executive Order. There are several other factors that may potentially affect the project schedule (e.g. delivery of remaining material, HECO SCADA, DPP inspections) but as of today we have not received notification of delays from the applicable parties. Updates are being communicated across teams as they arise so that we can make adjustments as needed.

As much of the above is determinate on factors outside of our direct control, we would like to suggest that the City & County put the EPA on notice that there may be potential delays due to mandated work restrictions issued by local, state and federal mandates. Please let Darin or I know if you have any questions or concerns.

Thank you,

Stacey Kawano
Project Manager

M. 808.597.4395
stacey.kawano@engie.com



engieservices.us

ENGIE Services U.S.
Hawai'i Region
1099 Alakea Street, Suite 2520
Honolulu, HI 96813

Please consider the environment before printing this message



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Subject: ENGIE Team Response during COVID19 – your energy project safety updates

Dennis Lopez
Planning & Engineering Branch
Chief, Department of Environmental Services – Refuse Division
City & County of Honolulu
Kapolei Hale
1000 Uluohia St., Suite 201
Kapolei, Hawaii 96707

March 20, 2020

Dear Dennis,

I wanted to personally reach out to connect and hope that this email finds you, your family, and your community safe and healthy during this uncertain time of change. We know that ongoing updates related to the coronavirus, COVID-19, are quickly evolving. The ENGIE team wants to share with you the vigilant measures that we are taking to keep our employees and customers safe and healthy while maintaining business continuity and operational excellence during this unprecedented time.

Shared Priorities

Our paramount focus is always on the safety of our employees, our customers, and the communities in which we live and work. As a dedicated local partner, your challenges are personal to us – our children and families attend local schools, rely on the community services your team provides, and we are proud to be neighbors with your staff and fellow employees. Along with teams across ENGIE North America, we continue to collaborate and carefully track COVID-19 guidance from the World Health Organization (WHO) and Centers for Disease Control and Prevention (CDC) and from federal, state and local government authorities, adhering to all additional recommendations and shelter-in-place directives from state and local health departments. We continue to proactively manage both our supply chain and business operations to serve our customers safely, reliably, and effectively, with heightened focus on how to stay nimble and adapt quickly for all current projects in development and implementation.

With the backing of our global ENGIE Group serving hundreds of thousands of customers around the world at this time, I want to assure you that we have policies and procedures to support business continuity during a pandemic. In the event of ongoing changes and updated federal, state, and local policies, we are also preparing in advance should there be any interruptions in our ability to provide services that are beyond our control. Unprecedented actions that will impact equipment supply chains, third-party labor, jobsites, and our workforce will challenge our ability to perform for some period of time, effective immediately.

With these considerations in mind, our dedicated, full-time staff of Health and Safety professionals supporting our national and regional teams' needs 24/7 are actively managing the following measures:



- **Employee Support and Awareness:**
 - Coronavirus Awareness Campaign for employees
 - Mandated limitations on travel, and the ability of employees to work from home
 - Deploying digital tools to facilitate virtual meetings and continuous contact between employees and customers
- **Job Site and Customer Safety:**
 - Taking all appropriate measures to minimize exposure and risk of virus transmission on job sites within our mechanical, electrical, and other contracting services during the duration of WHO, CDC, and all other state and local restrictions.
 - Being cognizant of personal health-safety decisions by our local subcontractors and vendors.
- **Maintaining Reliable Access to Energy Services:**
 - Ensuring consistent communications updates on the continuity of your energy generation project construction status
 - Securing the operational reliability of our most critical infrastructure and plants to continue providing 24/7 service (throughout our larger Group's area of operations)
 - No disruption in access to your main project point of contact for any specific questions or support needs at any time, and prompt, technical inquiries managed by our ENGIE team.

Providing Customized Support

We are also actively working to meet the customized needs of each unique customer's policies at this time so we can make assessments and provide the safest, regionally specific updates across projects as the situation develops.

➔ Please share with me or provide current details on any customized policies your agency is undertaking at this time so our team can support you.

Potential Disruptions in Program Management

As mentioned above, the changing nature of governmental advisories and restrictions related to interconnected supply chains impacted by COVID-19 is being actively monitored by our team. Like many other businesses that have employees working in an open environment, coming into contact with not only other employees, but workers under the care and responsibility of others, we are not in a position to estimate how long any potential delay in performance may last. We expect our ability to perform will also be impacted by disruptions to our equipment and labor supply chains, whether sourced domestically or globally, but do not yet have details to provide in this regard. At this moment, our performance has not yet been critically impacted; however, the situation is constantly evolving and beyond our reasonable control.

We intend to act responsibly and trust you agree that any temporary disruption in work is a necessary part of our collective effort to slow the spread of COVID-19 and mitigate its long-term impact. In addition to our Job Site and Customer Safety policies to take appropriate precautionary measures to minimize exposure and transmission (listed above), we have also established new protocols for



reporting and response. We want to advise you that should an outbreak or heightened exposure risk occur, or a shelter-in-place order be issued for your facility's location, we expect all affected employees (and subcontractors) will be forced to demobilize and evacuate the worksite for a period of time, following the quarantine and treatment procedures recommended by the CDC and local health authorities. Should such an instance occur, we trust that all parties will recognize the force majeure nature of this pandemic and hold us harmless from any impact or delays that may result from exercising a responsible approach.

Looking Ahead

I know that we all share a common purpose to manage through this pandemic with the utmost safety and resume normal activity as soon as possible. Along with my direct team supporting on any stage of construction on site at H-POWER, I am available to address any of your direct concerns and questions about our approach at this time. We are dedicated to managing contingency plans to avoid disruption in normal business operations, given these extenuating circumstances and we will continue to monitor the situation closely and share any updates with you promptly, as necessary.

I believe that the request for weekly progress update meetings may best be served in the near term by utilizing conference call-ins or video conferencing options.

In the meantime, I want to thank you – most sincerely – for your partnership, support, and trust. We are in this together and I hope I can support your team along the way with any questions you may have at this time.

Kind regards,


Stacey Kawano
Project Manager
808-597-4395


Darin J Mingo
Regional Operations Director
808-306-1703

From: Trombadore, Claire
To: Brahmbhatt, Roshni
Cc: Shepherdson, Melanie; Christenson, Kara
Subject: FW: EPA Enforcement Division Contact
Date: Friday, March 27, 2020 4:12:53 PM

(b)(5) Deliberative

Claire Trombadore
Assistant Director
Enforcement and Compliance Assurance Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3013
(415) 947-3591 (fax)
trombadore.claire@epa.gov

From: Luis Olmedo <luis@ccvhealth.org>
Sent: Friday, March 27, 2020 4:07 PM
To: Trombadore, Claire <Trombadore.Claire@epa.gov>; Bea Gonzalez <bgonzalez@cvusd.us>
Cc: Zimpfer, Amy <Zimpfer.Amy@epa.gov>
Subject: Re: EPA Enforcement Division Contact

Amy, thank you!

Hello Claire,
I am cc'ing our partner Bea Gonzalez from Coachella Valley Unified School District so she can directly make any clarifications or follow up questions.

The district has had to respond to the COVID-19 emergency and they are limited in what they can accomplish to respond to the emergency and the services they can provide due to the idling rule limitations.

I have contacted CARB on their behalf and the response is there is no special waiver for the duration of the emergency.

The question was going to be elevated to higher management if there are any changes.

So this is the questions and challenge in this already disadvantaged community.

I hope you can assist.

Sincerely,

Luis Olmedo

On Fri, Mar 27, 2020 at 3:25 PM Zimpfer, Amy <Zimpfer.Amy@epa.gov> wrote:

Hi Luis,
Following up on this afternoon's discussion, regarding the recent release of EPA's COVID-19 Enforcement Discretion memo, EPA Region 9's point person is Claire Trombadore, the Air enforcement Branch Assistant Director (415) 972-3013. Please feel free to contact her if you have specific questions.
Have a good weekend,
Amy

Amy Zimpfer, Assistant Director
USEPA, Region 9, Air and Radiation Division, Permits and Rules Branch
75 Hawthorne Street, San Francisco, CA 94105
zimpfer.amy@epa.gov + 1.415.947.4146

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--
Luis Olmedo
Executive Director
Comite Civico Del Valle, Inc
760-351-8761 Office
760-587-9952 Mobile

From: [Kimura, Karin](#)
To: [Brahmbhatt, Roshni](#)
Subject: RE: EPA Region 9 Contact
Date: Wednesday, March 25, 2020 10:57:30 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image028.png](#)
[image029.png](#)
[image030.png](#)
[image031.png](#)
[image032.png](#)
[image033.png](#)
[image034.png](#)
[image035.png](#)

Hi Roshni,

We will provide specific questions. If you are available this afternoon (3:30 pm – 4:30 pm PDT), we have a conference call scheduled with Laura Yannayon from the Permits Office to provide some background of the potential permit and compliance challenges that Hawaiian Electric is facing as a result of COVID-19. I will forward the meeting invitation in case you are available to join us.

Thank you for your time.

Karin

KARIN KIMURA

Director, Environmental Division

O: 808.543.4500 | **M:** 808.799.2045
karin.kimura@hawaiianelectric.com

Hawaiian Electric

PO Box 2750, Honolulu, HI 96840



From: Brahmbhatt, Roshni [<mailto:brahmbhatt.Roshni@epa.gov>]
Sent: Wednesday, March 25, 2020 5:16 AM

To: Kimura, Karin <karin.kimura@hawaiianelectric.com>

Subject: FW: EPA Region 9 Contact

[This email is coming from an EXTERNAL source. Please use caution when opening attachments or links in suspicious email.]

Hi Karin,

Jill Stensrud forwarded me your email to me. Please let me know the specifics of your question. I'm in an all day training today, so we can set up a time to speak tomorrow.

Thanks,
Roshni

From: Kimura, Karin <karin.kimura@hawaiianelectric.com>

Sent: Tuesday, March 24, 2020 10:43 AM

To: Stensrud, Jill M <jill.stensrud@doh.hawaii.gov>

Subject: [EXTERNAL] EPA Region 9 Contact

Hi Jill,

Thank you for discussing Hawaiian Electric's fuel oil matter with me. Please share the EPA Region 9 contact we should contact regarding our fuel matter.

Thank you,
Karin

KARIN KIMURA

Director, Environmental Division

O: 808.543.4500 | **M:** 808.799.2045

karin.kimura@hawaiianelectric.com

Hawaiian Electric

PO Box 2750, Honolulu, HI 96840



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From: [Stensrud, Jill M](#)
To: [Rossio, Marianne Fujii](#); [Lopez, Catherine](#); lisa.young@doh.hawaii.gov; [Cooper, Bill F](#); [Cooper, Bill](#)
Cc: [Wong, David Tien Lun](#); [Brahmbhatt, Roshni](#)
Subject: 2% sulfur fuel #6, NOT be used at Kahe & Waiau
Date: Tuesday, April 7, 2020 3:24:56 PM

Hey Everyone: I just received a call from Karin Kimura, HECO and they will NOT use #6 fuel oil 2% sulfur at Kahe & Waiau. I will call her tomorrow.

tk

Jill Stensrud



Clean Air Branch
808.586.4200

DONNA H. CARVALHO
Senior Counsel
Legal Compliance, Environmental & Regulatory



PHILLIPS 66 Company
2331 CityWest Boulevard
Houston, Texas 77042
Phone: (832) 765-1214
Email: Donna.H.Carvalho@p66.com

March 6, 2020

Via UPS Overnight Mail

Director, Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Mail Code 2242-A
1200 Pennsylvania Avenue, N.W., Room 1119
Washington, DC 20004

Chief
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
ATTN: Thomas Carroll
150 M Street NE, Room 5.113
Washington, DC 20002

RE: COVID-19 Related Force Majeure Notifications
Pursuant to Civil Action H-05-0258 United States v. Phillips 66 Company
and H-01-4430 United States v. Conoco

Dear Ladies and Gentlemen:

On February 27th, the U.S. Centers for Disease Control announced the first known community spread case of the novel coronavirus COVID-19 within the United States. Since then approximately 150 other cases have been identified within the U.S. (See <https://www.cnn.com/2020/02/27/health/us-cases-coronavirus-community-transmission/index.html>¹ and <https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>.) As this virus continues to be transmitted and spread, Phillips 66 Company ("Phillips 66") is conducting pandemic planning and continues to monitor the situation. Ultimately, the transmission and spread of the virus could impact the Company's performance with the requirements of the above-referenced Consent Decree. No known impact has occurred yet.

Paragraph 382 of the Phillips Consent Decree (Civil Action H-05-0258) and paragraph 262 of the original Conoco Decree (Civil Action H-01-4430) each require Phillips 66 to notify the United States and appropriate Co-Plaintiffs, as soon as practicable, and, in any event, within twenty business days of any event which it knows or should have know could result in a delay or impediment to complying with the Consent Decrees.

Based on this requirement Phillips 66 Company is now submitting this force majeure notice. As noted previously, there is no known current impact. However, the Company can foresee potential issues where one or more Refinery's workforce is directly impacted. Planning to prevent and mitigate these issues is ongoing.

¹ Updated 6:15 AM ET, Fri February 28, 2020

This notice covers the following Phillips 66 owned and operated facilities:

<u>Decree</u>	<u>Refinery</u>
H-01-4430	Lake Charles Refinery, Lake Charles, Louisiana
H-05-0258	Alliance Refinery, Belle Chasse, Louisiana
	Bayway Refinery, Bayway, New Jersey
	Borger Refinery, Borger, Texas
	Ferndale Refinery, Ferndale, Washington
	Los Angeles Carson, Carson, California
	Los Angeles Wilmington, Wilmington, California
	Rodeo Refinery, Rodeo, California
	Sweeny Refinery, Sweeny, Texas

Potential Delays

Although no delays have occurred yet, one or more of the following delays/impediments could occur depending upon whether and to what extent the Phillips 66 workforce, including that of its contractors, is impacted by the coronavirus (e.g., by infection, quarantine, family emergency, etc.):

- Emissions related to idling or shutting down and restarting units due to limited onsite personnel or other supply or customer disruptions;
- Emissions due to parts supply interruptions;
- Delays in stack testing due to stack tester unavailability, limited onsite personnel, or not operating in a mode appropriate for stack testing due to personnel, supply or related disruptions;
- Delays in leak detection or Benzene Waste NESHAPS monitoring due to contractor unavailability, site access limitations or limited onsite personnel;
- CEMS repairs, calibration or checks due to unavailability of calibration gas supply, limited onsite personnel, contractor unavailability, not operating in a mode appropriate for calibration or testing, or other personnel, supply or related disruptions; and
- Disruptions in laboratory analysis due to limited onsite personnel or other supply or customer disruptions

This list is not intended to be all inclusive. It does contain the items that Phillips 66 has pre-identified thus far.

Length of Time Delay May Persist

No delay or impediment currently exists. The Company is conducting pandemic planning, which includes planning for operating with a reduced workforce and raw material disruptions, if required. As any particular Refinery is actually affected, this notice will be updated with more specific information.

The Cause of the Delay or Impediment

The cause of the delay or impediment is the ongoing transmission and quick spread of the COVID-19 virus. More information on this virus can be found at the Center for Disease Control website at <https://www.cdc.gov/coronavirus/2019-ncov/>. The first community spread case was identified on February 27th. (See <https://www.cnn.com/2020/02/27/health/us-cases-coronavirus-community-transmission/index.html>.) As the virus continues to be transmitted, it is possible that the Billings Refinery may have workers or contractors out sick or to care for sick family members and/or that the Company will implement additional social distancing measures.

Schedule for and Measures Taken by Phillips 66 to Prevent/Minimize the Delay

Phillips 66 is taking a variety of measures on both a corporate and site-specific level to limit spread of the virus and its potential impact on Consent Decree compliance. Among these are:

- Continuous monitoring of the virus transmission and spread;
- Drills involving working with limited onsite employees;
- Drills involving working remotely;
- Development of company isolation/work-at-home policies;
- Out of office backup plans for key employees; and
- Limits on business travel.

Please do not hesitate to contact me at the number noted above if you have any questions. This notice will be updated by Refinery if needed.

Respectfully submitted,



Donna H. Carvalho

ec: thomas.carroll@usdoj.gov
csullivan@matrixnewworld.com
foley.patrick@epa.gov
lundelius.diana@epa.gov
R6CAACDDeliverables@epa.gov
dykes.teresa@epa.gov
AEO_R9@epa.gov

cc: EPA:

Chief
Air, Toxics, and Inspections Coordination Branch
Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

Chief
Air Compliance Branch
US EPA Region 2
Ted Weiss Federal Building
290 Broadway, 21st Floor
New York, NY 10007-1866

Director
Air Division
Mail Code AIR-1
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Kathleen Johnson
Air & TRI Section (ENF-2-1)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Director, Air Enforcement Division
Office of Civil Enforcement
c/o Matrix New World Engineering Inc.
26 Columbia Turnpike, 2nd Floor
Florham Park, NJ 07932

Director
Office of Compliance and Enforcement
U.S. EPA, Region 10
Mail Code: OCE-164
1200 6th Avenue, Suite 900
Seattle, WA 98101

Louisiana:

Administrator, Enforcement Division
Office of Environmental Compliance
Louisiana Department of Environmental Quality
602 North 5th St.
Baton Rouge, LA 70802-5312

New Jersey:

Administrator, Air Compliance & Enforcement
New Jersey Department of Environmental Protection
Post Office Box 420, Mail Code 22-03A
401 East State Street
Trenton, NJ 08625-0420

Manager, Northern Air Compliance & Enforcement Office
New Jersey Department of Environmental Protection
7 Ridgedale Ave.
Cedar Knolls, NJ 07927

Deputy Attorney General, Section Chief
Environmental Enforcement
Division of Law
P. O. Box 093
25 Market Street
Trenton, NJ 08625-0093

Washington:

Director
Northwest Clean Air Agency
1600 South 2nd Street
Mount Vernon, WA 98273-5202

Phillips 66:

John Andersen – HSE Manager, Ferndale Refinery: John.L.Andersen@P66.com
Michael Bechtol – Environmental Manager: Mike.Bechtoll@p66.com
Don Bristol – HSE Manager, San Francisco Refinery: DON.A.Bristol@p66.com
Timothy Goedeker – Manager, Consent Decree: Tim.E.Goedeker@p66.com
Vivek Gopal – Environmental Director, Sweeney Refinery: Vivek.Gopal@p66.com
Drew Graham – HSE Manager, Alliance Refinery: Drew.Graham@p66.com
Hope Gray – HSE Manager, Bayway Refinery: Hope.Gray@P66.com
Dorey Meyers- Environmental Manager, Lake Charles Refinery: Dorey.C.Meyers@p66.com
Scott Willis – HSE Manager, Borger Refinery: Scott.Willis@p66.com

DONNA H. CARVALHO
Senior Counsel
Legal Compliance, Environmental & Regulatory

PHILLIPS 66 Company
2331 CityWest Boulevard
Houston, Texas 77042
Phone: (832) 765-1214
Email: Donna.H.Carvalho@p66.com



March 11, 2020

Via UPS Overnight Mail

Director, Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Mail Code 2242-A
1200 Pennsylvania Avenue, N.W., Room 1119
Washington, DC 20004

Chief
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
ATTN: Thomas Carroll
150 M Street NE, Room 5.113
Washington, DC 20002

RE: COVID-19 Related Force Majeure Notifications
Pursuant to Civil Action H-05-0258 United States v. Phillips 66 Company
and H-01-4430 United States v. Conoco

Dear Ladies and Gentlemen:

On March 9, 2020, Phillips 66 Company sent you a force majeure notice related to potential delays from the ongoing transmission and spread of the novel coronavirus COVID-19 within the United States. A copy is attached.

This notice noted that it covered the following Phillips 66 Refineries:

<u>Decree</u>	<u>Refinery</u>
H-01-4430	Lake Charles Refinery, Lake Charles, Louisiana
H-05-0258	Alliance Refinery, Belle Chasse, Louisiana
	Bayway Refinery, Bayway, New Jersey
	Borger Refinery, Borger, Texas
	Ferndale Refinery, Ferndale, Washington
	Los Angeles Carson, Carson, California
	Los Angeles Wilmington, Wilmington, California

Rodeo Refinery, Rodeo, California

Sweeny Refinery, Sweeny, Texas

It should have noted that it also covered the Santa Maria Refinery located in Arroyo Grande, California. The Santa Maria Refiner is subject to Civil Action H-05-0258.

The first page also incorrectly listed the date as March 6, 2020. It was sent on March 9, 2020.

This updated notice is being sent to the relevant EPA and Department of Justice addresses. It is not being sent to other jurisdictions which are not affected.

I apologize for any inconvenience. Please do not hesitate to contact me at the number noted above if you have any questions.

Respectfully submitted,



Donna H. Carvalho

Attachment

ec: thomas.carroll@usdoj.gov
csullivan@matrixnewworld.com
foley.patrick@epa.gov
dykes.teresa@epa.gov
AEO_R9@epa.gov

cc: EPA:

Director
Air Division
Mail Code AIR-1
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

DISTRIBUTION

March 11, 2020

Page 3 of 3

Kathleen Johnson
Air & TRI Section (ENF-2-1)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Director, Air Enforcement Division
Office of Civil Enforcement
c/o Matrix New World Engineering Inc.
26 Columbia Turnpike, 2nd Floor
Florham Park, NJ 07932

Phillips 66:

Don Bristol – HSE Manager, San Francisco Refinery: DON.A.Bristol@p66.com
Timothy Goedeker – Manager, Consent Decree: Tim.E.Goedeker@p66.com



LOLO M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT
Telephone: (684)633-4116 Fax: (684)633-2289

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

DECLARATION OF CONTINUED AND EXPANDED PUBLIC HEALTH EMERGENCY

WHEREAS, the Office of the Governor and the Department of Health remain prepared to take all necessary measures to protect the health and welfare of residents of American Samoa; and

WHEREAS, American Samoa has been under a Public Health Emergency since November 13 in response to the measles outbreak; and

WHEREAS, the Territory has fifteen confirmed cases of the measles with the most recent occurring on January 17, 2020; and

WHEREAS, the measles remains a threat to public health as the vaccination campaign continues to target eligible populations in the Territory; and

WHEREAS, an outbreak of the 2019 Novel Coronavirus (2019-nCoV) began in Wuhan, China; and

WHEREAS, 2019-nCoV is a respiratory illness similar to MERS and SARS that spreads from person-to-person through respiratory droplets; and

WHEREAS, symptoms of 2019-nCoV include fever, cough, and shortness of breath with onset occurring 2-14 days after exposure; and

WHEREAS, 2019-nCoV is highly contagious and symptoms ranging from people being mildly sick to people being severely ill and dying; and

WHEREAS, according to the CDC, an incubation period for 2019-nCoV is 14 days; and

WHEREAS, there is no known cure or vaccine for 2019-nCoV at this time; and

WHEREAS, there have been 5,970 cases of 2019-nCoV and more than 130 deaths and rising in mainland China since the start of the outbreak in mid-December 2019; and

WHEREAS, there have been confirmed cases of 2019-nCoV in 18 countries including Australia and the United States; and

WHEREAS, the threat of an outbreak and global epidemic is imminent and necessitates a response to protect the health and welfare of the people of American Samoa; and

THEREFORE, I, Lolo M. Moliga, Governor of American Samoa, declare a continuation of the public health emergency initially declared on November 13, 2019 and extended on December 8, 2019 and January 7, 2020 and authorize the Department of Health to utilize all necessary powers under the American Samoa Emergency Health Powers Act, to contain the measles outbreak and the threat of the 2019-nCoV outbreak. The state of emergency declared on December 08, 2019 is extended concurrently.

Pursuant to A.S.C.A 13.0307 and 26.0105, I further declare that:

All OK Board, Entry Permit Waivers, and Transit permits for foreign nationals are suspended until further notice. OK Boards for US Nationals will continue to be processed with the added requirement of verifying countries traveled to in the previous 30 days.

All non-US passport holders must go through the Entry Permit process to travel to American Samoa. The following restrictions will be put in place immediately:

- All foreign travelers, except for Samoa passport holders, seeking an entry permit must enter American Samoa through the Hawaii route. The traveler must spend 14 days in Hawaii before entering American Samoa.
- Travelers that have been present in an affected country must remain in an unaffected country for at least 14 days prior to entry to American Samoa. Due to heightened risk, entry permits of travelers from affected areas may be denied even if all other requirements have been fulfilled.
- All entry permit applications will be subject to a 30-day review period. Approval of permits prior to the completion of the 30-days is not guaranteed and in no circumstances will a permit be approved before 14 days have passed from the time of application.
- All entry permit applications must also include the following clearances: Immunization clearance from DOH, health exam clearance from Ministry of Health (for Samoa citizens), LBJ Clearance, Court Clearance, Homeland Security Clearance (for non-Samoan citizens)
- All travelers must provide information on the countries they have been to in the 30 days prior to entry. In support of this requirement, permit applications are to include copies of

the passport pages showing stamps at ports of entry and departure. The Immigration office is tasked with verifying this information. Any traveler found to falsify or omit information will be immediately removed from the Territory.

- Samoa citizens must have a health exam administered and approved by the Ministry of Health 14 days prior to entry into American Samoa.
- All children under 18 years of age must show proof of vaccinations for all required vaccinations according to Table 1 of the CDC recommendations (attached hereto).
- An immigration bond of \$500 per person will be required in accordance with ASAC 41.0409(b) for all crewman of vessels seeking entry into American Samoa.

DOH will coordinate screening for all passengers upon arrival at each port of entry. Such screening shall be for measles and 2019-nCoV. The public is advised that these screenings will increase processing times at the airport and to plan accordingly.

DOH Leone Clinic has been designated as the quarantine facility for any suspected cases of 2019-nCoV. DOH and LBJ will initiate a coordinated response to treat suspected cases.


In cooperation with travel requirements imposed by the Independent State of Samoa, all travelers to Samoa must receive a health exam 3 days prior to travel. DOH is the only agency authorized to issue health exams. All health exams will take place at Tafuna Health Center.

The amnesty program for overstayers will close for registration on February 6, 2020 as previously scheduled. The public is advised that there will be increased immigration enforcement efforts and all those who have not registered for the amnesty program will be subject to all applicable penalties including fines and deportation.

All other emergency policies currently in effect will remain so until further notice or expiration of this extended public health emergency declaration.

This declaration will be in effect for thirty (30) days and will expire on February 28, 2020.

Dated: January 29, 2020.



Lolo M. Moliga
Governor



**Department of Health PSA:
31 January 2020**

For more information contact:

Measles Hotline: (684) 633-5871 or 633-5872

Email: measles@doh.as

<https://www.facebook.com/asdoh.hotline>

TRAVEL ADVISORY:

Effective Immediately:

Travelers entering American Samoa:

1. US Passport and Samoa passport holders entering American Samoa from the Samoa route must have a health exam clearance by the Ministry of Health **14 days before entry**.
2. All OK Board, Entry Permits, and Transit permits for Foreign Nationals are suspended.
3. All entry permits will adhere to a **30-day processing period**.
4. DOH Health Clearance required documents for Entry Permits & US Nationals OK Board:
 - Health Exam clearance ONLY from Ministry of Health (MOH) in Samoa 14 days before entry
 - Signed immigration form
 - Valid copy of passport and copies of passport pages showing stamps at ports of entry and departure in the past 30 days before entry
 - Proof of MMR vaccination 14 days before entry
 - Copy of roundtrip ticket
5. 14-day travel waivers are suspended.

Travelers to Samoa:

1. American Samoa residents, DOH strongly advises to acquire a health exam clearance 3 days before traveling to Samoa.
2. **Travelers transiting from the Hawaiian Airlines flight are required to acquire a health exam clearance 3 days before traveling to Samoa.**
3. 18 years and younger must show proof of **all required vaccinations** according to CDC guidelines.
4. 19 years and older must show proof of MMR vaccination 14 days prior to travel date.

Travelers from a country where 2019 Novel Coronavirus has been reported must remain in an unaffected country for 14 days and obtain a medical clearance before entering American Samoa.

Be aware of the signs and symptoms of 2019 Novel Coronavirus which include:

- Fever
- cough
- shortness of breath and breathing difficulties.

TRAVEL ADVISORY continued

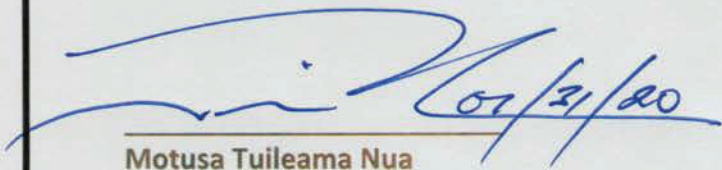
Department of Health strongly recommends that all persons intending to travel to any country affected by the 2019 Novel Coronavirus to postpone their travel arrangements unless necessary.

Leone Clinic continues to be closed to the public until further notice. All residents seeking health services from Leone Clinic are asked to go to Tafuna Health Center.

MMR vaccinations are available at sites listed below:

- Tafuna Health Center - Monday-Friday 8am-4pm
- Fagaalu Well Baby Clinic - Monday-Friday from 8am-4pm
- Amouli Clinic- Monday -Friday from 8am-4pm
- DHSS-WIC office for adults only Monday - Friday from 8am-2pm

Call Measles Hotline (Command Post) 633-5871/5872 for any question or updates.



Motusa Tuileama Nua
Director of Health

Scott R. Dismukes
(412) 566.1998
sdismukes@eckertseamans.com

February 6, 2020

EES Case Management Unit
Environmental and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611

Re: DJ#90-5-1-1-11357

Dear Sir/Madam:

On behalf of StarKist Co. and Starkist Samoa Co. ("StarKist"), we provide notification under Paragraph 115 of the above-referenced Consent Decree regarding an event of which we just learned that has the potential to delay the performance of obligations under the Consent Decree. This notification is directed by the requirements of the Consent Decree even though it has not yet been determined whether this event will result in a delay, and is being provided in the exercise of caution that the event could be determined to be "reasonably likely" to result in a delay, per the requirements of Paragraph 115.

The March 7, 2018 Consent Decree ("Consent Decree") requires implementation, evaluation, ongoing compliance and to the extent necessary corrective action with or for many compliance requirements. These include but are not limited to interim wastewater compliance measures; on-site laboratory requirements; spill prevention control and counter measures; Clean Air Act Section 112(r) General Duty Clause for Ammonia Refrigeration; environmental management system development and implementation; multi-media environmental compliance auditing; training on environmental compliance; stormwater pollution prevention; update evaluation implementation; and, multi-sector general permit compliance. As you are aware, StarKist's American Samoa facility is located in an extremely remote location in the South Pacific Ocean. American Samoa has a limited pool of technical assistance which requires the facility to rely on numerous off-island service providers. On January 29, 2020, the Governor of Samoa, Lolo Matalasi Moliga issued an Order continuing the island's measles outbreak declaration and associated travel restrictions. On January 31, 2020, this Order's travel restrictions were expanded by Health Director Motusa Tuileama Nua to counter the well-published Coronavirus outbreak. The January 31, 2020 Declaration essentially imposes a three-to-fourteen-

day quarantine on all outside travelers to the island. The Governor's Declaration of Continued and Expanded Public Health Emergency and the Director's Travel Advisory are attached for your reference. This quarantine period will delay all travel to American Samoa by off-island resources. Depending on the duration of this quarantine, the logistics associated with getting the appropriate technical assistance to American Samoa could be subject to additional substantial delay beyond any quarantine period associated with the scheduling or rescheduling travel to American Samoa given the already limited number of flights to American Samoa.

At this time, StarKist deems that the quarantine has the potential to cause a delay in complying with the Consent Decree's many requirements. Currently this concern is non-specific and StarKist is hopeful that it is not subject to any such delays moving forward. However, it is too early for StarKist to project whether such a delay will result, or the extent of such a delay. As such, this notice is being submitted in the exercise of caution and pursuant to the requirements and intent of Paragraph 115 of the Consent Decree. At this early stage we do not have further information regarding the impact this may have on the schedule of Consent Decree requirements.

Please let us know if you have any questions regarding these items.

Sincerely yours,



Scott R. Dismukes

SRD/kc

enclosure

cc: (via email)

eescdcopy.enrd@usdoj.gov

raack.melissa@epa.gov

howell.adam@epa.gov

shepherdson.melanie@epa.gov

alee@la.as.gov

faamao.asalele@epa.as.gov

Jeff.Roberts@StarKist.com

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SEAMANS
ATTORNEYS AT LAW

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600 Grant Street, 44th Floor
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TEL 412 566 6000
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www.eckertseamans.com

(via U.S. Mail)

Mail Director, Water Enforcement Division
U.S. EPA, William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
MC 2243A, Room 3104B
Washington, DC 20460

Manager, Wastewater Section
ENF 301
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Chief, Emergency Prevention and Preparedness Program
SFD 9-3
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Attorney General
Office of the Attorney General
Department of Legal Affairs
P.O. Box 7
Pago Pago, AS 96799

Director
American Samoa Environmental Protection Agency
P.O. Box PPA
Pago Pago, AS 96799

Plant Manager, Starkist Samoa Co.
P.O. Box 368
Pago Pago, Tutuila
American Samoa 96799

Jeffrey S. Roberts
StarKist Co.
225 N. Shore Drive, Suite 400
Pittsburgh, PA 15212



American Samoa
Department of Health
March 04, 2020

For more information contact:

Measles Hotline: (684) 633-5871 or 633-5872

Email: measles@doh.as

<https://www.facebook.com/asdoh.hotline>

TRAVEL ADVISORY

Due to the rapid spread of Coronavirus (COVID-19) and ongoing measles surveillance, this travel advisory will go into effect March 9, 2020.

Samoa Airline and Talofa Airways:

Reduced to two flights per airline per day until further notice.

NOTE: All charter flights will be denied entry into American Samoa until further notice.

Traveler Requirements:

From American Samoa to Samoa:

- Proof of MMR vaccination 14 days before travel
- Health Clearance from Tafuna Health clinic 3 days before travel
- Note: Residents staying more than 3 days must acquire a health clearance from Ministry of Health (MOH) before entry. (MOH Contact#: 685-68100)

From American Samoa going beyond Samoa (e.g. Australia, Fiji, New Zealand, Tonga, etc.) and returning:

- Spend 14 days in Samoa
- Acquire a health clearance ONLY from MOH 3 days before entry
- Provide proof of MMR vaccination 14 days before entry

From Samoa to American Samoa:

- Acquire a health clearance from MOH 3 days before entry
- Proof of MMR vaccination 14 days before entry

Flights To and From Tonga:

Talofa Airways flights between American Samoa and Tonga are suspended until further notice.

Flights from Hawaii:

All travelers (including AS residents) traveling from and transiting through any of the Affected US States (Washington, Oregon, California, Arizona, Texas, Illinois, Wisconsin, New York, New Hampshire, Massachusetts, North Carolina, Georgia, Florida, Rhode Island) entering American Samoa will be subject to the following: *(List of affected states will be updated as needed via radio and the DOH Facebook page.)*

- Spend 14 days in Hawaii
- Acquire a health clearance 3 days before entry
- Provide itinerary at check-in counter in Hawaii and upon arrival in AS

All travelers (including AS residents) traveling from and transiting through any of the Affected Foreign Countries (China, Hong Kong, Macau, Japan, Singapore, Thailand, South Korea, Italy, Iran, Kuwait, Taiwan, Germany, Spain, France, Bahrain) entering American Samoa will be subject to the following: *(List of affected foreign countries will be updated as needed via radio and the DOH Facebook page.)*

- Spend 14 days in Hawaii
- Acquire a health clearance 3 days before entry
- Provide itinerary at check-in counter in Hawaii and upon arrival in AS

TRAVEL ADVISORY continued

Entry Permits:

All entry permits are suspended until further notice except for returning residents with valid Immigration IDs or Immigration Board approval.

Seaport Travel Requirements:

- For all vessels, screening requirements remain the same at the port.
- NOTE: Cruise ships will not be granted entry into American Samoa until further notice.

Department of Health strongly recommends that all persons intending to travel to any US States and foreign countries affected by the COVID-19 to postpone their travel arrangements unless necessary.

Symptoms COVID-19:

- Fever
- Cough
- Shortness of breath and breathing difficulties.

Leone Clinic: All residents seeking health services from Leone Clinic are asked to go to Tafuna Health Center.

Parents with children needing transportation to the clinic are asked to contact the following number: 633-5871/5872 or 699-6380

This travel advisory is subject to change due to the daily COVID-19 updates.

Call Measles/COVID-19 Hotline (Command Post) 633-5871/5872 for any question or updates.



Motusa Tuileama Nua
Director
Public Health

Scott R. Dismukes
(412) 566.1998
sdismukes@eckertseamans.com

March 5, 2020

EES Case Management Unit
Environmental and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611

Re: DJ#90-5-1-1-11357

Dear Sir/Madam:

On behalf of StarKist Co. and Starkist Samoa Co. ("StarKist"), we update our February 6, 2020 notification under Paragraph 115 of the above-referenced Consent Decree regarding an event of which we just learned that has the potential to delay the performance of obligations under the Consent Decree due to the impact of the coronavirus. This notification is directed by the requirements of the Consent Decree and is being provided in the exercise of caution that the event could be determined to be "reasonably likely" to result in a delay, per the requirements of Paragraph 115.

The March 7, 2018 Consent Decree ("Consent Decree") requires implementation, evaluation, ongoing compliance and to the extent necessary corrective action with or for many compliance requirements. These include but are not limited to interim wastewater compliance measures; on-site laboratory requirements; spill prevention control and counter measures; Clean Air Act Section 112(r) General Duty Clause for Ammonia Refrigeration; environmental management system development and implementation; multi-media environmental compliance auditing; training on environmental compliance; stormwater pollution prevention; update evaluation implementation; and, multi-sector general permit compliance. As you are aware, StarKist's American Samoa facility is located in an extremely remote location in the South Pacific Ocean. American Samoa has a limited pool of technical assistance which requires the facility to rely on numerous off-island service providers.

As we have previously notified, on January 29, 2020, the Governor of American Samoa, Lolo Matalasi Moliga issued an Order continuing the island's measles outbreak declaration and associated travel restrictions. On January 31, 2020, this Order's travel restrictions were expanded by Health Director Motusa Tuileama Nua to counter the well-published Coronavirus outbreak. The January 31, 2020 Declaration essentially imposes a three-to-fourteen-day quarantine on all

outside travelers to the island. Now, Health Director Motusa Tuileama Nua's March 4, 2020 expanded travel advisory requires, among other things, that travelers from afflicted U.S. States including California, the home for our receiving water sampling team led by Steve Costa, now explicitly requires a fourteen (14) day stay in Hawaii and a health clearance prior to being allowed to enter American Samoa. The Governor's Declaration of Continued and Expanded Public Health Emergency and the Director's Travel Advisory are attached for your reference. This quarantine period is now adversely affecting all travel to American Samoa by off-island resources. The logistics associated with getting the appropriate technical assistance to American Samoa is now resulting in cancellation of our service providers travel to American Samoa. Due to the nature of the quarantine it is unclear how this will impact American Samoa given the already limited number of flights to American Samoa.

At this time, StarKist deems that the quarantine has impacted StarKist's ability to comply with the currently applicable NPDES permit's requirement to sample receiving water quality at designated locations in the Pago Pago Harbor and may cause a delay in complying with the Consent Decree's many requirements. StarKist remains hopeful that it will not be subject to significant delays moving forward. However, it is too early for StarKist to project whether such a delay will result, or the extent of such a delay. As such, this notice is being submitted in the exercise of caution and pursuant to the requirements and intent of Paragraph 115 of the Consent Decree. At this early stage we do not have further information regarding the impact this may have on the schedule of Consent Decree requirements.

Please let us know if you have any questions regarding these items.

Sincerely yours,



Scott R. Bismukes

SRD/kc

enclosure

cc: (via email)

eescdcopy.enrd@usdoj.gov

raack.melissa@epa.gov

howell.adam@epa.gov

shepherdson.melanie@epa.gov

alee@la.as.gov

faamao.asalele@epa.as.gov

zirschky@la.as.gov

Jeff.Roberts@StarKist.com

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ATTORNEYS AT LAW

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600 Grant Street, 44th Floor
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TEL 412 566 6000
FAX 412 566 6099
www.eckertseamans.com

(via U.S. Mail)

Mail Director, Water Enforcement Division
U.S. EPA, William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
MC 2243A, Room 3104B
Washington, DC 20460

Manager, Wastewater Section
ENF 301
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Chief, Emergency Prevention and Preparedness Program
SFD 9-3
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Attorney General
Office of the Attorney General
Department of Legal Affairs
P.O. Box 7
Pago Pago, AS 96799

Director
American Samoa Environmental Protection Agency
P.O. Box PPA
Pago Pago, AS 96799

Plant Manager, Starkist Samoa Co.
P.O. Box 368
Pago Pago, Tutuila
American Samoa 96799

Jeffrey S. Roberts
StarKist Co.
225 N. Shore Drive, Suite 400
Pittsburgh, PA 15212



Marathon Petroleum Company LP

539 South Main Street
Findlay, OH 45840
Telephone 419/422-2121
FAX 419/425-7040

March 27, 2020

*SENT VIA EMAIL AND U.S. MAIL
(RETURN RECEIPT REQUESTED)*

The Department of Justice
Case No. DJ: 90-5-2-1-09512/1
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611

Director, Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Mail Code 2242-A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Director, Air Enforcement Division
Office of Civil Enforcement
c/o Eastern Research Group, Inc.
14555 Avion Parkway, Suite 200
Chantilly, VA 20151-1124

Director, Air and Toxics Technical Enforcement
Program
Mail Code ENF-AT
U.S. Environmental Protection Agency Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Manager, Air & TRI Section (ENF-2-1)
Enforcement Division
U.S. Environmental Protection Agency Region 9
75 Hawthorne Street
San Francisco, California 94105

Manager, Air and RCRA Compliance Unit
Office of Compliance and Enforcement
Environmental Protection Agency Region 10
1200 Sixth Avenue, Suite 900
Mailcode OCE-101
Seattle, WA 98101

Alaska Department of Environmental Conservation
(Department)
Air Permits Program
610 University Ave.
Fairbanks, AK 99709-3643
ATTN: Compliance Technician

Director
Northwest Clean Air Agency
1600 South Second Street
Mount Vernon, WA 98273

**Re: Notice of Force Majeure Event
Consent Decree in *United States, et al. v. Tesoro, et al.*
Case No. 5:16-cv-00722 (W.D. Texas))**

On behalf of Tesoro Alaska Company LLC, Tesoro Refining & Marketing Company LLC (each a wholly-owned, indirect subsidiary of Marathon Petroleum Corporation), and Tesoro Logistics

L.P. (an affiliate of Marathon Petroleum Corporation) (collectively, "MPC"), MPC is declaring that the novel coronavirus (COVID-19) pandemic, which has been declared a national emergency by President Trump on March 13, 2020 and by various states, is a force majeure event under Paragraph 193 of the above-referenced Consent Decree. MPC is notifying you of its intent to invoke the force majeure provisions under Section XIV, and that, due to the COVID-19 epidemic and corresponding impact on our potential worker shortages as well as the travel and social distancing restrictions imposed by both governments and MPC, the performance of certain obligations under the Consent Decree for MPC refineries located in Anacortes, Washington; Kenai, Alaska; Mandan, North Dakota; Martinez, California; and Salt Lake City, Utah may be delayed.

MPC is committed to safe and environmentally responsible operation of its operating sites and fully embraces the emergency actions necessary to protect public health. To protect its employees, site contractors, and the general public, MPC is seeking to temporarily limit certain on-site activities by company personnel and contract personnel as part of its larger COVID-19 response to reduce social contact and comport with the "social distancing" guidelines issued by the Centers for Disease Control and Prevention (CDC) and the President of the United States through his "Coronavirus Guidelines for America" issued on March 16, 2020. These guidelines recommend avoiding close contact with other individuals (within 6 feet), avoidance of social gatherings of more than 10 people, avoiding discretionary travel, and working from home whenever possible. We have also already instituted a "work-from-home" policy for non-essential personnel consistent with CDC guidance.

As a member of a critical infrastructure industry, MPC has a special responsibility to continue the safe and environmentally responsible operation of our facilities to ensure fuel supplies are maintained so that other critical infrastructure continues to function during the ongoing COVID-19 pandemic. We have already instituted a "work-from-home" policy for non-essential personnel consistent with CDC guidance. Despite many of the present actions taken by governments and businesses, the virus continues to spread. Many more cases are being reported daily. We believe that additional restrictions to site personnel will likely be necessary to slow the spread and protect our operations and maintenance personnel essential to running our assets safely and reliably. These steps could include, but are not limited to, restricted access for third-party contractors, further restriction of on-site staff to only core operating and maintenance personnel, and reduction of laboratory personnel. As continued restrictions persist, we are also preparing for potential consequences in the supply chain, including inability to transport samples to third-party laboratories and inability to receive consumables.

To achieve the common goal of inhibiting the spread of COVID-19, some periodic sampling, testing, recordkeeping and reporting activities required under the Consent Decree can and should be deferred during the present phase of the response in order to protect essential personnel necessary for safe refinery operations. These actions can be safely and responsibly deferred and then resumed as soon as conditions are appropriate.

MPC, therefore, submits this notice that ongoing events surrounding COVID-19 constitute a *force majeure* event under Section XIV of the Consent Decree, and that the events may delay performance of certain obligations under the Consent Decree. Obligations under the Consent

Decree that may be delayed due to the *force majeure* event include, but are not limited to, those that require third-party contractors or other non-essential personnel to be physically present at the refineries; that require international, interstate or other currently-restricted travel by employees or contractors; that require international or interstate shipment of samples for analysis; or that require actions of third parties (e.g., accredited laboratories) that may also have personnel and resource limitations or restrictions due to their own or their political jurisdictions' responses to COVID-19.

Central to MPC's claim of *force majeure* is the recognition that many of these activities drive increased social interactions with third-party contractors that enter and leave our facilities, and other neighboring facilities, daily. Some of the functions identified in this letter also require contractors and consultants to engage in significant travel and overnight accommodations, which further increases the chances of spreading the virus. This runs counter to the "social distancing" recommendations from the CDC, the President of the United States, and various state and city directives. Complicating matters further, many contractors and consultants will not be reporting daily to their normal workplaces and have instituted travel bans for their employees, meaning there is a shortage of qualified personnel to complete certain regulatory requirements. Even though we are prepared to conduct much of our work remotely, it is unprecedented to carry out certain work entirely via remote communications, and indeed impossible to carry out others. As reflected in this notice, most of the anticipated delays in compliance reflect a focus on responsibly minimizing onsite activities and social interaction and lesser access to complete information due to self-isolation (e.g., employee or contractor personnel held home, sick or quarantined).

This letter is intended to serve as an initial, advance notification that the ongoing events surrounding COVID-19 constitute a *force majeure* event. Events surrounding COVID-19, and the efforts of MPC and federal, state, and local authorities to combat the spread of the novel coronavirus remain fluid. Accordingly, MPC intends to supplement this advance notification with additional information to support this claim of *force majeure* as set forth in Section XIV of the Consent Decree.

Significantly, the obligations that may be delayed by the *force majeure* event described in this letter will not, in MPC's judgment, cause or contribute to an endangerment to public health, welfare, or the environment.

We believe that by taking these measures, we can do our part to slow the spread of COVID-19. This notice of *force majeure* covers only those provisions requiring activities that are inconsistent with implementation of MPC's COVID-19 response, while maintaining safe and environmentally responsible operation. If you have any questions about this notification, please contact me with any questions at 419-421-3871 or racade@marathonpetroleum.com.

Sincerely,



Ruth A. Cade
Director, Refining Environmental & Assurance
Marathon Petroleum Company LP

Electronic Copy in .pdf format to:

efinerycd@erg.com
foley.patrick@epa.gov
mintz.tom@epa.gov



Marathon Petroleum Company LP

539 South Main Street
Findlay, OH 45840
Telephone 419/422-2121
FAX 419/425-7040

March 27, 2020

*SENT VIA EMAIL AND U.S. MAIL
(RETURN RECEIPT REQUESTED)*

Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
U.S. Department of Justice
Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611

Director, Air Enforcement Division
Office of Civil Enforcement, Mail Code 2242-A
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Director, Air Enforcement Division
U.S. Environmental Protection Agency
c/o Matrix Environmental & Geotechnical Services
Matrix New World Engineering, Inc.
26 Columbia Turnpike
Florham Park, N.J. 07932

Director, Air Division (Air-1)
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: Notice of Force Majeure Event
Consent Decree in *United States, et.al. v. Equilon Enterprises LLC et. al.*
Civil Action No. H-01-0978 (S.D. Texas)

On behalf of Tesoro Refining & Marketing Company LLC, which is a wholly-owned, indirect subsidiary of Marathon Petroleum Corporation (collectively, "MPC"), and pursuant to United States' and various states efforts to respond to the novel coronavirus (COVID-19), this letter serves as notice of a *force majeure* event under Paragraph 167 of the above-referenced Consent Decree. MPC requests temporary relief from certain provisions of the Consent Decree in support of its efforts to minimize risk of exposure and otherwise respond to COVID-19 without sacrificing the protection of human health and the environment at its refinery located in Wilmington, California.

MPC is committed to safe and environmentally responsible operation of its operating sites and fully embraces the emergency actions necessary to protect public health. To protect its employees, site contractors, and the general public, MPC is seeking to temporarily limit certain

on-site activities by company personnel and contract personnel as part of its larger COVID-19 response to reduce social contact and comport with the “social distancing” guidelines issued by the Centers for Disease Control and Prevention (CDC) and the President of the United States through his “Coronavirus Guidelines for America” issued on March 16, 2020. These guidelines recommend avoiding close contact with other individuals (within 6 feet), avoidance of social gatherings of more than 10 people, avoiding discretionary travel, and working from home whenever possible. In addition, various states and cities have issued “stay-at-home” orders for those not engaged in critical work activities.

As a member of a critical infrastructure industry, MPC has a special responsibility to continue the safe and environmentally responsible operation of our facilities to ensure fuel supplies are maintained so that other critical infrastructure continues to function during the ongoing COVID-19 pandemic. We have already instituted a “work-from-home” policy for non-essential personnel consistent with CDC guidance. Despite many of the present actions taken by governments and businesses, the virus continues to spread. Many more cases are being reported daily. We believe that additional restrictions to site personnel will likely be necessary to slow the spread and protect our operations and maintenance personnel essential to running our assets safely and reliably. These steps could include, but are not limited to, restricted access for third-party contractors, further restriction of on-site staff to only core operating and maintenance personnel, and reduction of laboratory personnel. As continued restrictions persist, we are also preparing for potential consequences in the supply chain, including inability to transport samples to third-party laboratories and inability to receive consumables.

To achieve the common goal of inhibiting the spread of COVID-19, some periodic sampling, testing, recordkeeping and reporting activities required under the Consent Decree can and should be deferred during the present phase of the response in order to protect essential personnel necessary for safe refinery operations. These actions can be safely and responsibly deferred and then resumed as soon as conditions are appropriate.

MPC, therefore, submits this notice that ongoing events surrounding COVID-19 constitute a *force majeure* event under Paragraph 167 of the Consent Decree, and that the events may delay performance of certain obligations under the Consent Decree. Obligations under the Consent Decree that may be delayed due to the *force majeure* event include, but are not limited to, those that require third-party contractors or other non-essential personnel to be physically present at the refineries; that require international, interstate or other currently-restricted travel by employees or contractors; that require international or interstate shipment of samples for analysis; or that require actions of third parties (e.g., accredited laboratories) that may also have personnel and resource limitations or restrictions due to their own or their political jurisdictions’ responses to COVID-19.

Central to MPC’s claim of *force majeure* is the recognition that many of these activities drive increased social interactions with third-party contractors that enter and leave our facilities, and other neighboring facilities, daily. Some of the functions identified in this letter also require contractors and consultants to engage in significant travel and overnight accommodations, which further increases the chances of spreading the virus. This runs counter to the “social distancing” recommendations from the CDC, the President of the United States, and various state and city

directives. Complicating matters further, many contractors and consultants will not be reporting daily to their normal workplaces and have instituted travel bans for their employees, meaning there is a shortage of qualified personnel to complete certain regulatory requirements. Even though we are prepared to conduct much of our work remotely, it is unprecedented to carry out certain work entirely via remote communications, and indeed impossible to carry out others. As reflected in this notice, most of the anticipated delays in compliance reflect a focus on responsibly minimizing onsite activities and social interaction and lesser access to complete information due to self-isolation (*e.g.*, employee or contractor personnel held home, sick or quarantined).

This letter is intended to serve as an initial, advance notification that the ongoing events surrounding COVID-19 constitute a *force majeure* event. Events surrounding COVID-19, and the efforts of MPC and federal, state, and local authorities to combat the spread of the novel coronavirus remain fluid. Accordingly, MPC intends to supplement this advance notification with additional information to support this claim of *force majeure* as set forth in Paragraph 167 of the Consent Decree.

Significantly, the obligations that may be delayed by the *force majeure* event described in this letter will not, in MPC's judgment, cause or contribute to an endangerment to public health, welfare, or the environment.

We believe that by taking these measures, we can do our part to slow the spread of COVID-19. This notice of *force majeure* covers only those provisions requiring activities that are inconsistent with implementation of MPC's COVID-19 response, while maintaining safe and environmentally responsible operation. If you have any questions about this request, please contact me with any questions at 419-421-3871 or racade@marathonpetroleum.com.

Sincerely,



Ruth A. Cade
Director, Refining Environmental & Assurance
Marathon Petroleum Company LP

Electronic Copy in .pdf format to:

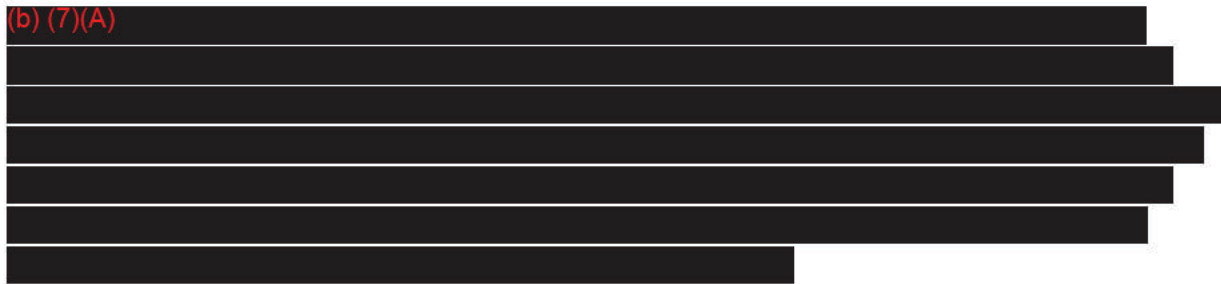
jmack@matrixnewworld.com
foley.patrick@epa.gov
frank.nathan@epa.gov
messina.edward@epa.gov

From: [Miller, Amy](#)
To: [White, Eileen](#); [Mumley, Thomas@Waterboards](#)
Cc: [Berg, Elizabeth](#); [Magnan, Eric](#)
Subject: COVID-19 and Private Sewer Lateral Inspections
Date: Tuesday, April 14, 2020 9:50:28 AM

Dear Eileen:

Thank you for the reaching out to us. We appreciate the complexities that may arise due to the evolving federal, state, and local response to COVID-19. In considering the issues you raised we considered the March 26th memo from the Assistant Administrator Susan Bodine for the EPA Office of Enforcement and Compliance Assurance. It can be found at: <https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>. In keeping with that memo we recommend that EBMUD continue to use its best efforts to comply with the terms of the Consent Decree. If EBMUD is unable to comply it should follow the terms of the Consent Decree regarding noncompliance and reporting requirements. EPA is unable to provide a no action assurance, but may exercise its enforcement discretion when evaluating noncompliance on a case-by-case basis.

(b) (7)(A)



Please do not hesitate to contact us if you have other issues you wish to seek our input. I apologize that this email was not sent on Friday.

Take care,
Amy C. Miller

Amy C. Miller
Director, Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
(415) 947-4198
miller.amy@epa.gov

From: [Dancher, Nathan](#)
To: [Brahmbhatt, Roshni](#)
Subject: FW: Diamond Eye
Date: Monday, April 13, 2020 9:07:46 AM

FYI

From: Riedel, Brian <riedel.brian@epa.gov>
Sent: Tuesday, April 7, 2020 3:48 PM
To: Dancher, Nathan <Dancher.Nathan@epa.gov>
Subject: Diamond Eye

Hi Brian,

I wanted to update you that I spoke with Dennis Olson yesterday. (b) (6)

Both Oregon and Washington State (Diamond Eye Manufacturing, Inc. in Athena, Oregon is close to the border of both states) are under shelter in place orders. Diamond Eye Manufacturing Inc. does not appear to fall within one of the 16 critical infrastructure sectors. He is speaking with his corporate attorney this week and will make that decision before the end of the week regarding the logistics of that, as well as navigating through the myriad old and new employment laws, etc., which largely escapes my knowledge base. (b) (7)(A)

I hope you are doing well.
Seth

From: [Sullivan, Jennifer](#)
To: [Marshallonis, Dino](#)
Cc: [Jencius, Morgan](#)
Subject: COVID DEVIATION REQUEST: EcoLab
Date: Wednesday, April 15, 2020 5:52:01 PM

Dino,

I don't think this one was ever logged, it was from like 3 weeks ago and we already approved...

Facility: EcoLab

Deviation: Facility requested an extension to the date required to produce RCRA documents in response of an RFI due to facility staff currently working remotely making accessing, scanning and reviewing the relevant documents challenging.

Delay: Extended from 2 April to 15 May; documents will be submitted on a "rolling basis" up to 15 May.

Thanks,
Jen

From: Chu, Xiangyu <Chu.Xiangyu@epa.gov>
Sent: Thursday, March 26, 2020 12:41 PM
To: Sullivan, Jennifer <Sullivan.Jennifer.A@epa.gov>
Cc: Gallagher, Shirin <Gallagher.Shirin@epa.gov>
Subject: FW: Update on Ecolab Response to RFI

Hi Jen,

Ecolab's response to our information request is due Thursday, April 2. Due to the current pandemic, the facility is requesting flexibility on producing the relevant documents. They are proposing to provide the documents on a rolling basis, perhaps on a facility by facility basis. They expect to be able to complete the RFI response production by the end of April or early May.

Given the current situation, I think their request is reasonable and I recommend we grant them the flexibility on producing relevant documents. This enforcement case is not a projection for FY 2020, therefore, the delay will not impact our overall case work bean for this year. Please let me know if you have any question.

Xiangyu

From: Taub, Cynthia <CTaub@steptoe.com>
Sent: Thursday, March 26, 2020 8:15 AM
To: Gallagher, Shirin <Gallagher.Shirin@epa.gov>

Cc: Chu, Xiangyu <Chu.Xiangyu@epa.gov>
Subject: Update on Ecolab Response to RFI

Dear Ms. Gallagher:

I am writing on behalf of Ecolab in regard to EPA Region 10's Request for Information ("RFI"), dated December 19, 2019. The response to the RFI is currently due next Thursday, April 2.

Ecolab has been working diligently on the request, and expects to have a narrative response submitted by April 2. However, due to the extraordinary circumstances that we are all working under with the pandemic, Ecolab requests some additional time to produce the documents responsive to the RFI. The key members of the Ecolab team are all currently working remotely, which makes accessing, scanning and reviewing the relevant documents very challenging. As previously noted, Ecolab has had to obtain hard copy documents from multiple locations, as Ecolab acquired the fumigation business in 2017 and has not yet centralized all of the relevant records. Ecolab has made good progress on obtaining the information and records from the relevant facilities, but it will take some time to review the information and assemble in a form that can be submitted to EPA.

In addition, Ecolab is a global supplier of disinfectant products, and many of its personnel and management are focused on meeting current demand for disinfectants and other products needed to help combat the spread of Covid19. While Ecolab is continuing to prepare its response to the RFI, the attention to the pandemic response makes it challenging to maintain the staff resources and management review necessary for the RFI response.

Therefore, we are planning to file a response to the RFI next week, but request flexibility on producing the relevant documents. If acceptable to EPA, we will plan to provide the documents on a rolling basis, perhaps on a facility by facility basis. At this point, we would expect to be able to complete the RFI response production by the end of April or early May. Please let us know if this approach is acceptable under the current circumstances.

Thank you,

Cynthia

Cynthia L. Taub
CTaub@steptoe.com
+1 202 429 8133 direct | +1 202 429 3902 fax

Steptoe

Steptoe & Johnson LLP
1330 Connecticut Avenue, NW | Washington, DC 20036
www.steptoelaw.com

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From: [Aubuchon, Elizabeth](#)
To: [davids](#); [Walter W. Haase](#); [wendellm](#)
Cc: [Magnan, Eric](#); [Ferrif, Sarah](#); [Patrick Antonio](#); [Melinda O'Daniel](#)
Subject: EPA Memo on COVID-19 Implications
Date: Tuesday, March 31, 2020 6:53:44 AM
Attachments: [Memorandum on COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program \(March 26, 2020\).pdf](#)

Good Morning

Per our previous phone calls, you have raised questions about impacts to your ability to perform work under the permits/orders while we are responding to the COVID-19 pandemic. Last week, Susan Bodine from EPA's Office of Enforcement and Compliance Assurance issued a memo explaining how EPA will address noncompliance and what permittees/Respondents need to do to report and mitigate noncompliance. (b) (7)(A)

That memo can be found at <https://www.epa.gov/enforcement/covid-19-implications-epas-enforcement-and-compliance-assurance-program> and is attached to this email. We are encouraging NTUA to review the terms of its NPDES permits and the AOCs regarding force majeure and reporting requirements and to review this memorandum.

If you have questions, please contact me. Thank you for your cooperation.

Beth Aubuchon
Wastewater Section (ENF-3-1)
Enforcement Division
EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3327



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

May 12, 2020

John Maligie
Vice President
Airtech International, Inc.
5700 Skylab Road
Huntington Beach, CA 92647

Re: Request for Extension of Time for SEP Completion in the Matter of Airtech International, Inc.,
Docket No. CWA-09-2020-011

Dear Mr. Maligie:

I am writing in response to the letter provided by your legal counsel, dated April 20, 2020, requesting an extension to complete the Supplemental Environmental Project ("SEP") in the Matter of Airtech International, Inc., due to challenges presented by the coronavirus disease (COVID-19) pandemic. The SEP requires, in part, that Airtech complete five beach clean-ups by December 31, 2020. Due to state and local orders to close beaches, Airtech asserts that it cannot complete the SEP by the agreed-upon deadline. Therefore, Airtech has requested to extend the deadline to complete the SEP from December 31, 2020 to September 1, 2021.

Paragraph 39.f. in the Consent Agreement and Final Order ("CA/FO") allows for the EPA to extend the deadline to complete the SEP to a date that is mutually agreed to in writing among the Parties. The EPA expects Airtech to use its best efforts to complete the SEP requirements in a timely manner. The EPA understands, however, that there may be difficulties in meeting the requirements of the SEP during the COVID-19 pandemic and hereby agrees to Airtech's request to extend the deadline to satisfactorily complete the SEP from December 31, 2020 to September 1, 2021. We appreciate Airtech's attention to this matter. Please contact Desean Garnett in the Office of Regional Counsel at (415) 972-3046 if you have any questions.

Sincerely,

AMY MILLER-
BOWEN

Digitally signed by
AMY MILLER-BOWEN
Date: 2020.05.12
15:59:45 -07'00'

Amy C. Miller

Director

Enforcement and Compliance Assurance Division

cc: James T. Dufour, Dufour Safety, Environmental & Regulatory Law



TRACI STOOKS-DERMER

Director, Environmental
Operations

PO Box 53999
Phoenix, Arizona 85072-3999
Mail Station 9421
TEL 602.250.3167
Traci.Stooks-Dermer@aps.com

April 9, 2020

Via Electronic Mail

Chief, Environmental Enforcement Section
Environment and Natural Resources Div.
U.S. Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
DJ# 90-5-2-1-10300

Director, Air Enforcement Division
Office of Enforcement and Compliance
Assurance
U.S. Environmental Protection Agency
Ariel Rios Building [2242A]
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Director, Enforcement Division
U.S. EPA Region IX
75 Hawthorne Street [Enf-1]
San Francisco, CA 94105
Attn: Mark Sims (Enf-2-1)

Earthjustice
1617 John F. Kennedy Blvd., Suite 1130
Philadelphia, PA 19103
Attn: Shannon Fisk, Managing Attorney, Coal
Program

RE: *U.S. v. Arizona Public Service Company, et al., No. 1:15-cv-00537 (D. N.M.)*

Dear Colleagues:

On behalf of the Owner Defendants¹ in the above captioned matter, pursuant to Paragraph 127 of the Consent Decree in Case No. 1:15-cv-00537 ("Consent Decree") regarding the Four Corners Power Plant ("FCPP"), I am writing to notify you of a potential Force Majeure Event that may delay APS's ability to comply with the Consent Decree. These conditions arise from the current COVID-19 pandemic and associated emergency orders by Navajo Nation public health authorities (see attached). This notification letter is being provided out of an abundance of caution, given the 21-day force majeure notice requirements provided in the Consent Decree.

¹ Arizona Public Service Company ("APS") is an Owner Defendant and the Operating Agent for the Four Corners Power Plant. As the Operator Agent, APS is implementing the Consent Decree requirements on behalf of all Owner Defendants. References to APS in this letter are intended to signify the Owner Defendants.

April 9, 2020

Page 2

At this time, APS does not know how long the COVID-19 pandemic will persist in severely impacting the Navajo Nation, where the FCPP is located. Given these severe impacts on public health within the reservation, the Navajo Nation Department of Health recently issued Public Health Emergency Order No. 2020-004 (March 29, 2020), which indefinitely extends the “shelter in place” order originally issued on March 20, 2020. The indefinite extension of this “shelter in place” order reflects the “alarming” increase in the rate of Coronavirus infections within the Navajo Nation and the resulting “dire strain” on medical response capabilities within the reservation.

Because of the indefinite period of time during which Public Health Emergency Order No. 2020-004 will remain in effect over the FCPP and the surrounding communities, it is not yet clear whether or not the COVID-19 pandemic and the Navajo Nation’s response thereto will impact timely implementation of the Consent Decree’s requirements, including without limitation the requirements to implement Environmental Mitigation Projects. See Consent Decree, ¶¶ 93–100, Appendix A. The force majeure notice requirements in the Consent Decree, however, require notification of the onset of a force majeure condition, which includes “circumstances beyond the control” of APS and the other Owner Defendants (such as “acts of God”), within 21 calendar days of becoming aware of an event or circumstance that actually causes or “may cause” a compliance delay or violation. See *id.*, ¶¶ 127 & 133.

APS is simply unable at this time to predict the extent to which the onset of the COVID-19 Pandemic, along with the resulting public health authority response, will impact APS employees, along with the Company’s vendors and contractors, nor how long such impact will persist. Because APS presently believes that these uncontrollable circumstances, including the March 20, 2020 public health authority order, may impact Consent Decree compliance at the FCPP, APS is providing this notice out of an abundance of caution. APS expects that the filing of this notification will preserve its rights to later supplement this notification with additional information (as required by Consent Decree ¶ 127) in the event that an actual compliance delay or non-compliance condition becomes imminent as a result of the COVID-19 pandemic or related response measures implemented by public health authorities (e.g., as to timely completion of the Consent Decree Environmental Mitigation Projects, timely filing of required compliance reports and emissions data). In such circumstances, APS expects that it will then utilize force majeure relief under the Consent Decree, including without limitation an extended schedule for compliance under Consent Decree Paragraph 134.

* * * *

As always, we greatly appreciate your working with APS as we strive to maintain strict compliance with all applicable environmental obligations, including those imposed under the

April 9, 2020

Page 3

Consent Decree. APS is committed to operations at the FCPP that are safe, sustainable, and in full compliance with all applicable regulations. If you have any questions about this notice letter, please do not hesitate to contact Jeffrey Allmon, Senior Attorney, at 602-250-4799 or Jeffrey.Allmon@pinnaclewest.com. We'd be happy to discuss further the precautionary force majeure notification provided by this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Traci Stooks-Dermer', with a stylized, cursive script.

Traci Stooks-Dermer
Director, Environmental Operations
Arizona Public Service Company

Copy to: Allan Zabel (via electronic mail)
Jeffrey Allmon (via electronic mail)
Jason Dunn (via electronic mail)

From: [Kim, David](#)
To: [Shepherdson, Melanie](#); [Brahmbhatt, Roshni](#)
Cc: [Zellinger, Andrew](#)
Subject: FW: GReddy CAFO
Date: Friday, March 20, 2020 10:13:59 AM

FYI. We will need to deal with this issue in other cases as well.

From: Ford, Michael <mford@swlaw.com>
Sent: Friday, March 20, 2020 9:54 AM
To: Kim, David <Kim.David@epa.gov>
Cc: Zellinger, Andrew <Zellinger.Andrew@epa.gov>
Subject: RE: GReddy CAFO

Hi David- (b) (6)

(<https://www.latimes.com/socal/daily-pilot/news/story/2020-03-18/orange-county-revises-coronavirus-order-in-effort-to-ease-confusion>) (b) (7)(A)

Thanks,

Mike

From: Kim, David <Kim.David@epa.gov>
Sent: Friday, March 20, 2020 9:51 AM
To: Ford, Michael <mford@swlaw.com>
Cc: Zellinger, Andrew <Zellinger.Andrew@epa.gov>
Subject: GReddy CAFO

[EXTERNAL]

Dear Mike,

I spoke with the enforcement program, (b) (7)(A)

Once again, thank you for your help with this matter. (b) (7)(A)

Shareem, Jelani

From: Ian L. Sandison <ISandison@wik.com>
Sent: Thursday, May 7, 2020 1:36 PM
To: Wells, Kimberly; Shareem, Jelani
Cc: 'Sheryl Nicholson'; 'Nicole Altman'; Joyce W Y. Tam-Sugiyama
Subject: RE: Docket No. UIC-09-2018-0008 CAFO - Force Majeure Event

Kimby and Jelani,

Thanks for speaking with me this morning. As we discussed Kamehameha Schools is asking for an additional 45 day extension based on Governor Ige's Sixth Supplementary Proclamation that extends the current stay at home order until May 31, 2020 and an anticipated gradual lifting of COVID-19 related travel restrictions thereafter.

I understand that you will be discussing this request with others at EPA for the purpose of securing approval of this request.

All the best,

Ian

Ian L. Sandison | Watanabe Ing LLP
First Hawaiian Center
999 Bishop Street, Suite 1250 | Honolulu, Hawaii 96813
direct: 808.544.8314 | mobile: 808.542.8926 | main: 808.544.8300
email: ISandison@wik.com
www.wik.com

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From: Wells, Kimberly [mailto:wells.kimberly@epa.gov]
Sent: Wednesday, May 06, 2020 11:27 AM
To: Ian L. Sandison; Shareem, Jelani
Cc: 'Sheryl Nicholson'; 'Nicole Altman'; Joyce W Y. Tam-Sugiyama
Subject: RE: Docket No. UIC-09-2018-0008 CAFO - Force Majeure Event

Hi Ian,

Thank you for the email. Are you available for a call Thursday at 1:00 Pacific/10:00 Hawaii time?

We are unable to grant an extension for an undetermined amount of time. We will need to discuss an amount of time that is reasonable in light of current circumstances. As circumstances continue to evolve, KS may be able to seek an additional extension.

Kimby

Kimberly Wells
Attorney Advisor

Office of Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
(415) 972-3056

This email, including attachments, may contain information that is confidential and/or protected by the Attorney-Client or other privileges.

From: Ian L. Sandison <ISandison@wik.com>
Sent: Thursday, April 30, 2020 2:33 PM
To: Wells, Kimberly <wells.kimberly@epa.gov>; Shareem, Jelani <Shareem.Jelani@epa.gov>
Cc: 'Sheryl Nicholson' <shnichol@ksbe.edu>; 'Nicole Altman' <nialtman@ksbe.edu>; Joyce W Y. Tam-Sugiyama <JTam@wik.com>
Subject: RE: Docket No. UIC-09-2018-0008 CAFO - Force Majeure Event

Kimby,

The purpose of this email is to notify EPA of Governor Ige's Sixth Supplementary Proclamation in connection with implementing Hawaii's Emergency Rules Relating to COVID-19 (copy attached). Pursuant to this proclamation, all persons in the State of Hawaii are ordered to stay at home or in their place of residence unless they work in an essential business or operation – as defined by the proclamation. The proclamation was issued on April 25, 2020 and continues in effect through May 31, 2020.

After review of the proclamation and referenced federal critical infrastructure guidelines, Kamehameha Schools believes its employees and contractors (including the Auditor) are prohibited from engaging in the travel necessary to continue conducting ongoing inspections of Target Properties on the Big Island. Accordingly, Kamehameha Schools believes (1) the proclamation constitutes a *force majeure* event as defined in paragraph 61 of the Consent Agreement and Final Order in EPA Docket No. UIC-09-2018-0008 (copy attached), and (2) this email constitutes the notice required in paragraph 62. In addition, Kamehameha Schools does not believe there are any measures it can take to prevent or minimize the delay caused by the proclamation.

We respectfully ask that EPA (a) concur that the proclamation constitutes a *force majeure* event, and (b) grant an further extension of time for compliance as contemplated in paragraph 63. As there may well be other ramifications to the COVID-19 pandemic, it is unclear how long of an extension will be necessary. Let's discuss this when you are available for a telephone call.

Thank you for your attention to this matter.

Ian

Ian L. Sandison | Watanabe Ing LLP
First Hawaiian Center
999 Bishop Street, Suite 1250 | Honolulu, Hawaii 96813
direct: 808.544.8314 | mobile: 808.542.8926 | main: 808.544.8300
email: ISandison@wik.com
www.wik.com

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From: Ian L. Sandison
Sent: Monday, March 30, 2020 11:17 AM
To: Wells, Kimberly; Shareem, Jelani
Cc: 'Sheryl Nicholson'; 'Nicole Altman'; Joyce W Y. Tam-Sugiyama
Subject: RE: Docket No. UIC-09-2018-0008 CAFO - Force Majeure Event

Kimby,

Thank you for responding. KS will monitor the situation and may request an additional extension of time if that becomes necessary.

Take care,

Ian

From: Wells, Kimberly [<mailto:wells.kimberly@epa.gov>]
Sent: Monday, March 30, 2020 11:10 AM
To: Ian L. Sandison; Shareem, Jelani
Cc: 'Sheryl Nicholson'; 'Nicole Altman'; Joyce W Y. Tam-Sugiyama
Subject: RE: Docket No. UIC-09-2018-0008 CAFO - Force Majeure Event

Ian,

Thank you for your email. I hope that you and your family are safe and well.

Governor Ige's Third Supplementary Proclamation regarding implementation of Hawaii's Emergency Rules Relating to COVID-19 constitutes a force majeure event as defined by Paragraph 61 of the CA/FO (UIC-09-2018-0008) and your email constitutes notice, as required by Paragraph 62 of the CA/FO.

Pursuant to Paragraph 63 of the CA/FO, EPA may grant an extension of time for compliance for a period of time no longer than any delay resulting from the circumstances causing the delay or anticipated delay. Governor Ige's Third Supplementary Proclamation imposes emergency rules for 35 days ending April 30, 2020. EPA will expect KS to provide a schedule and to resume inspections as soon as reasonably possible after April 30, 2020. In the absence of additional information from KS or an additional force majeure event, EPA is granting an extension of 35 days for compliance with Paragraph 46.c.iv.B of the CA/FO.

Kimby

Kimberly Wells
Attorney Advisor
Office of Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
(415) 972-3056

This email, including attachments, may contain information that is confidential and/or protected by the Attorney-Client or other privileges.

From: Ian L. Sandison <ISandison@wik.com>
Sent: Friday, March 27, 2020 2:38 PM
To: Wells, Kimberly <wells.kimberly@epa.gov>; Shareem, Jelani <Shareem.Jelani@epa.gov>

Cc: 'Sheryl Nicholson' <shnichol@ksbe.edu>; 'Nicole Altman' <nialtman@ksbe.edu>; Joyce W Y. Tam-Sugiyama <JTam@wik.com>

Subject: RE: Docket No. UIC-09-2018-0008 CAFO - Force Majeure Event

Kimby and Jelani,

This email is to supplement our force majeure notification that was sent on March 25, 2020.

On March 26, 2020, the EPA issued temporary enforcement guidance entitled, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." That guidance states that in the event of missed milestones resulting from COVID-19, parties subject to a consent agreement are to provide notification of force majeure to the EPA with a proposed plan of action, and to "proceed as proposed in their notice to the EPA... unless and until contacted by the agency."

Kamehameha Schools previously provided its force majeure notification to the EPA on March 25, 2020. The force majeure was triggered by Hawaii's Emergency Rules Relating to COVID-19 (the "Hawaii Rules") and falls within the EPA's temporary guidance. Therefore, pursuant to EPA's guidance, Kamehameha Schools is writing to further inform the EPA that it has suspended inspections in accordance with the Hawaii Rules and will notify EPA when it resumes inspections. KS intends to provide the EPA with an updated schedule when it has sufficient information to do so.

Please let me know if you have any questions.

Thanks,

Ian

Ian L. Sandison | Watanabe Ing LLP
First Hawaiian Center
999 Bishop Street, Suite 1250 | Honolulu, Hawaii 96813
direct: 808.544.8314 | mobile: 808.542.8926 | main: 808.544.8300
email: ISandison@wik.com
www.wik.com

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From: Ian L. Sandison
Sent: Wednesday, March 25, 2020 12:59 PM
To: Kimberly Wells (wells.kimberly@epa.gov); Shareem, Jelani
Cc: Sheryl Nicholson; 'Nicole Altman'; Joyce W Y. Tam-Sugiyama
Subject: Docket No. UIC-09-2018-0008 CAFO - Force Majeure Event

Kimby and Jelani,

I hope this email finds you well and safe.

The purpose of this email is to notify EPA of Governor Ige's Third Supplementary Proclamation in connection with implementing Hawaii's Emergency Rules Relating to COVID-19 (copy attached). Pursuant to this proclamation, all persons in the State of Hawaii are ordered to stay at home or in their place of residence unless they work in an essential business or operation – as defined by the proclamation. The proclamation was issued on March 23, 2020 and continues in effect through April 30, 2020.

After review of the proclamation and referenced federal critical infrastructure guidelines, Kamehameha Schools believes its employees and contractors (including the Auditor) are prohibited from engaging in the travel necessary to continue conducting ongoing inspections of Target Properties on the Big Island. Accordingly, Kamehameha Schools believes (1) the proclamation constitutes a *force majeure* event as defined in paragraph 61 of the Consent Agreement and Final Order in EPA Docket No. UIC-09-2018-0008 (copy attached), and (2) this email constitutes the notice required in paragraph 62. In addition, Kamehameha Schools does not believe there are any measures it can take to prevent or minimize the delay caused by the proclamation.

We respectfully ask that EPA (a) concur that the proclamation constitutes a *force majeure* event, and (b) grant an extension of time for compliance as contemplated in paragraph 63. As there may well be other ramifications to the COVID-19 pandemic, it is unclear how long of an extension will be necessary. Let's discuss this when you are available for a telephone call.

Thank you for your attention to this matter.

Ian

Ian L. Sandison | Watanabe Ing LLP
First Hawaiian Center
999 Bishop Street, Suite 1250 | Honolulu, Hawaii 96813
direct: 808.544.8314 | mobile: 808.542.8926 | main: 808.544.8300
email: ISandison@wik.com
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Morimoto, Kaoru

From: Morimoto, Kaoru
Sent: Friday, May 8, 2020 2:37 PM
To: Morimoto, Kaoru
Subject: FW: ACTION by COB Friday- Covid-related relief requests

From: Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>
Sent: Friday, April 24, 2020 12:25 PM
To: Michael Schreck (b) (6) >; Corine Schreck (b) (6) >
Cc: sal <admin@marinovichcoolingandstorage.com>; Andrew Lombardo (b) (6) >; Sal Alvarez (b) (6) >
Subject: RE: FW: RMP Due to U.S. EPA for Marinovich Cold Storage, Watsonville, CA

Hi Michael,

Since the general consensus with Cal OSHA, Fed OSHA, and the CUPAs is the PHAs via Skype are poor I suggest that we postpone the PHA until it can be done on site. We recognize the COVID shelter in place situation presents unique issues. We will grant an extension until the COVID shelter in place order is lifted.

Please let me know if you have any questions.

Thank you.

Angie



Angie Proboszcz
RMP Coordinator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (SEMD-9-3)
San Francisco, CA 94105

(415) 972-3077

From: Michael Schreck <schreckpsig@gmail.com>
Sent: Friday, April 24, 2020 11:42 AM
To: Corine Schreck (b) (6) >
Cc: Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; sal <admin@marinovichcoolingandstorage.com>; Andrew Lombardo (b) (6) >; Sal Alvarez (b) (6) >
Subject: Re: FW: RMP Due to U.S. EPA for Marinovich Cold Storage, Watsonville, CA

No there is no one else that is qualified to run a PHA.. We are a company of three. (b) (6)

So we will perform the PHA remotely Tuesday and cover all the required elements. When the restrictions are lifted we will walk the site and fill in any gaps.

On Fri, Apr 24, 2020 at 8:54 AM (b) (6)

> wrote:

Sal – Do you have the space for Michael to perform the PHA on site following the 6’ social distancing recommendations by the CDC?

If so, Michael will be there on site Tuesday morning at 10am; it will more than likely take both Tuesday and Wednesday to complete.

Corine Schreck (On behalf of Michael)

From: Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>

Sent: Friday, April 24, 2020 8:33 AM

To: Michael Schreck (b) (6) >; sal <admin@marinovichcoolingandstorage.com>; Corine Schreck (b) (6) >; Andrew Lombardo (b) (6) >

Cc: Sal Alvarez (b) (6) >

Subject: RE: FW: RMP Due to U.S. EPA for Marinovich Cold Storage, Watsonville, CA

Hi Michael,

The general consensus with Cal OSHA, Fed OSHA, and the CUPAs is the PHAs via Skype are poor. Is there someone else other than yourself that can take the lead in conducting the PHA at the facility?

Angie



Angie Proboszcz
Coordinator
Agency, Region 9
3)

(415) 972-3077

RMP
U.S. Environmental Protection
75 Hawthorne St. (SEMD-9-
San Francisco, CA 94105

From: Michael Schreck (b) (6) >

Sent: Wednesday, April 22, 2020 3:36 PM

To: sal <admin@marinovichcoolingandstorage.com>; Corine Schreck (b) (6) >; Andrew Lombardo (b) (6)

Cc: Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; Sal Alvarez (b) (6) >

Subject: Re: FW: RMP Due to U.S. EPA for Marinovich Cold Storage, Watsonville, CA

My office will set up a go to meeting Tues 10am. You will need a laptop and sound. After the covid19 lift we will perform again on site. (b) (6)
(b) (6)



Virus-free. www.avg.com

On Wed, Apr 22, 2020 at 3:13 PM Michael Schreck (b) (6) > wrote:

Yes but I'm waiting for Angie to approve



Virus-free. www.avg.com

On Wed, Apr 22, 2020 at 3:11 PM sal <admin@marinovichcoolingandstorage.com> wrote:

Sure Michael, when I thought it will be on Tuesday at 10am.

Am I correct.

Fia

STAY SAFE AND HEALTHY!

Thank you for your Business!

The Marinovich Team



P O BOX 2258, Watsonville CA 95077

303A Salinas Road, Royal Oaks, CA 95076

Email: office@marinovichcoolingandstorage.com

Phone: (831) 724-8028

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Sent from [Mail](#) for Windows 10

From: [Michael Schreck](#)

Sent: Wednesday, April 22, 2020 3:10 PM

To: [sal](#); proboszcz.angie@epa.gov

Cc: [Sal Alvarez](#)

Subject: Re: FW: RMP Due to U.S. EPA for Marinovich Cold Storage, Watsonville, CA

We have to do a PHA which cannot be done on site.. Can we do one electronically.go to meeting



Virus-free. www.avg.com

On Wed, Apr 22, 2020 at 1:34 PM sal <admin@marinovichcoolingandstorage.com> wrote:

STAY SAFE AND HEALTHY!

Thank you for your Business!

The Marinovich Team



P O BOX 2258, Watsonville CA 95077

303A Salinas Road, Royal Oaks, CA 95076

Email: office@marinovichcoolingandstorage.com

Phone: (831) 724-8028

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Sent from [Mail](#) for Windows 10

From: Marinovich Cold Storage, Inc. <marinovichcldstg@sbcglobal.net>
Sent: Wednesday, April 22, 2020 11:45:11 AM
To: sal <admin@marinovichcoolingandstorage.com>
Subject: Fw: RMP Due to U.S. EPA for Marinovich Cold Storage, Watsonville, CA

Marinovich Cold Storage, Inc. Ph (831) 724-8028 Fx (831) 724-1630 This message may contain information that is confidential. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender by reply, and delete the message. Thank you.

----- Forwarded Message -----

From: Proboszcz, Angie <proboszcz.angie@epa.gov>
To: (b) (6)
Cc: marinovichcldstg@sbcglobal.net <marinovichcldstg@sbcglobal.net>
Sent: Friday, March 20, 2020, 2:40:06 PM PDT
Subject: RMP Due to U.S. EPA for Marinovich Cold Storage, Watsonville, CA

Hello Mr. Alavarez,

This email is a follow-up to our conversation on March 19, 2020. A fully updated *federal* Risk Management Plan (RMP) for **Marinovich Cold Storage, Inc., 303A Salinas Rd., Watsonville, CA 95077 (EPA Facility ID # 1000 0016 5778)**, is due for submission to the U.S. Environmental Protection Agency (EPA) NLT **April 15, 2020**. Please see the attached RMP due notice which was mailed to your facility from the RMP Reporting Center last month. Please note there may be penalties for late submissions.

Please provide an update as to whether you expect to meet the **April 15, 2020** deadline.

Thank you.

Angie

Angie Proboszcz
RMP Coordinator
Emergency Planning & Operations Support Section

Direct Line: (415) 972-3077

U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (SEMD-9-3)
San Francisco, CA 94105

--

Respectfully Submitted

Michael Schreck

PSIG Inc.

P.O. Box 3688

Oakhurst CA. 93644

Office: [559-676-9789](tel:559-676-9789)

Cell: [831-210-8960](tel:831-210-8960)



Virus-free. www.avg.com

--

Respectfully Submitted

Michael Schreck

PSIG Inc.

P.O. Box 3688

Oakhurst CA. 93644

Office: [559-676-9789](tel:559-676-9789)

Cell: [831-210-8960](tel:831-210-8960)

NH3PSIG.com

--

Respectfully Submitted

Michael Schreck

PSIG Inc.

P.O. Box 3688

Oakhurst CA. 93644

Office: [559-676-9789](tel:559-676-9789)

Cell: [831-210-8960](tel:831-210-8960)

NH3PSIG.com

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Respectfully Submitted
Michael Schreck

PSIG Inc.
P.O. Box 3688
Oakhurst CA. 93644

Office: [559-676-9789](tel:559-676-9789)

Cell: [831-210-8960](tel:831-210-8960)

NH3PSIG.com



Par Hawaii Refining

91-325 Komohana Street

Kapolei, HI 96707

March 31, 2020

CERTIFIED MAIL NO. 91 7199 9991 7037 9121 8414

Ms. Marianne Rossio
Manager, Clean Air Branch
Hawaii Department of Health
2827 Waimano Home Road, Room 130
Pearl City, Hawaii 96782

**RE: Par West Refinery
Covered Source Permit (CSP) Nos. 0088-01-C and 0088-02-C
Notification of Delay of Annual Source Performance Tests for the Crude Atmospheric
Furnace (F-5103), Crude Vacuum Furnace (F-5153) and Boilers (F-5205 and F-5206)**

Dear Ms. Rossio:

Par Hawaii Refining, LLC is required by CSP No. 0088-01-C Attachment II(E) Section F.1, CSP No. 0088-02-C Attachment IIA Section F.1 and 40 CFR 63 Subpart DDDDD, to conduct annual source performance tests (SPTs) on Par West Refinery's Crude Atmospheric and Vacuum Furnace (F-5103 and F-5153) and Boilers (F-5205 and F-5206). SPTs for these sources must be completed by June 2020, thirteen (13) months after the previous performance test per 40 CFR 63.7515(a). However, with the COVID-19 quarantine and stay-at-home work-at-home orders from the State of Hawaii and City and County of Honolulu now in effect through April 30, 2020, it is difficult for source testing contractors to plan travel to Honolulu in May and June. This letter is to notify the department that we may be delayed in meeting the compliance due date for these upcoming SPTs.

Per the EPA Memorandum dated March 26, 202 regarding COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program, the EPA recognizes potential worker shortages due to travel and social distancing restrictions imposed by governments which would affect the ability of a facility to carry out certain activities required by federal environmental permits, regulations, and statutes. The letter states, "entities should make every effort to comply with their environmental compliance obligations" and if compliance is not reasonably practicable to document how it was impacted by COVID-19 and to return to compliance as soon as possible.

Boiler SPTs will be scheduled at the earliest opportunity. The Crude Unit is currently shut down due to a decrease in island product demand due to COVID-19. Testing will be scheduled after the unit has resumed operation. If testing is delayed past the thirteen (13) month due date, it will be documented in the Semi-Annual Deviation report and Annual Compliance Certification. If you have any questions or require further information, please contact Anna Chung, Environmental Engineer, at (808) 440-5576.

Sincerely,

A handwritten signature in cursive script that reads "Richard Creamer".

Richard Creamer
Vice President

cc: Air Enforcement (Enf 2-1)
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Morimoto, Kaoru

From: Steiner, Cyntia
Sent: Friday, May 8, 2020 4:17 PM
To: Morimoto, Kaoru
Subject: COVID Request and Response for The Ranch Winery

From: Steiner, Cyntia
Sent: Thursday, March 19, 2020 7:23 AM
To: 'Hart, Drew' <Drew.Hart@ejgallo.com>
Cc: Savage, Christopher <Chris.Savage@ejgallo.com>; Sweeney, Peta <Peta.Sweeney@ranchwinery.com>
Subject: RE: The Ranch Winery

Drew,

Thank you for the update. The delays you describe are understandable and plan for moving forward sounds good.

EPA is still operating but everyone is working remotely. Let me know if you any questions.

Stay safe,
Cyntia

Cyntia Steiner
Chemical Accident Prevention
Hazardous Waste & Chemical Section (ENF-2-2)
Enforcement and Compliance Assurance Division
EPA Region 9
75 Hawthorne Street
San Francisco, CA 945105
415-947-4112

From: Hart, Drew <Drew.Hart@ejgallo.com>
Sent: Thursday, March 19, 2020 7:02 AM
To: Steiner, Cyntia <Steiner.Cyntia@epa.gov>
Cc: Savage, Christopher <Chris.Savage@ejgallo.com>; Sweeney, Peta <Peta.Sweeney@ranchwinery.com>
Subject: The Ranch Winery

Hi Cyntia,

I wanted to sync up with you on the project up at The Ranch. The system inspection and reconditioning project is 90% complete, with final labeling and tagging currently in process. Due to COVID-19, Gallo has halted all non-emergency 3rd party work. This will impact the final project completion with closure date being dependent on when we can resume normal activities. Similarly, we have not received word from emergency services regarding when they can be present for a walkthrough and discussion about operation of the king valve.

I will keep you updated as to when we resume project work, and subsequently when we have the project complete and can transmit final documents.

Please let me know if you have any questions or concerns. I am working from home and available if you need me.

Regards,

Drew Hart | Corporate EHS | LEAN-GREEN-SAFE

Technical Manager – PSM, RMP, Cal ARP

E. & J. Gallo Winery | 600 Yosemite Boulevard | Modesto, CA 95354

o 209.341.8635 | c 503.387.5472 | drew.hart@ejgallo.com

From: [Weiss, Michael](#)
To: [Delizo](#); [Magnan, Eric](#)
Subject: RE: Consent Decree Force Majeure Notice (COVID-19) - Stege Sanitary District
Date: Tuesday, March 31, 2020 2:19:47 PM

Thank you for the letter Rex.

EPA acknowledges receipt of this letter. Please note that EPA understands this to be a 15-day notice and not the 60-day notice described under Paragraph 199 of Section XXI of the Consent Decree.

Please feel free to reach out if you have any questions.

Thanks again,

Mike

Michael Weiss
Wastewater Section (ENF-3-1)
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415.947.4570

From: Delizo <rex@stegesd.org>
Sent: Friday, March 27, 2020 9:07 AM
To: Magnan, Eric <Magnan.Eric@epa.gov>; Weiss, Michael <weiss.michael@epa.gov>
Cc: eileen.soback@waterboards.ca.gov; michael.montgomery@waterboards.ca.gov; marnie.ajello@waterboards.ca.gov; rschlipf@waterboards.ca.gov; Plummer, Sam@Waterboards <sam.plummer@waterboards.ca.gov>; vheger@meyersnave.com; kkokotaylo@meyersnave.com
Subject: Consent Decree Force Majeure Notice (COVID-19) - Stege Sanitary District

See attached letter serving as notice of a force majeure event (COVID-19) under Paragraph 199 of Section XXI of the Consent Decree.

If you have any questions or concerns, please feel free to contact me.

Thank you.

Rex Delizo, P.E.
District Manager

Stege Sanitary District
7500 Schmidt Lane
El Cerrito, CA 94530-0537
(510) 524-4668
(510) 524-4697 fax

Check us out at www.stegesan.org

From: [Miller, Amy](#)
To: [White, Eileen](#); [Mumley, Thomas@Waterboards](#)
Cc: [Berg, Elizabeth](#); [Magnan, Eric](#)
Subject: RE: COVID-19 and Private Sewer Lateral Inspections
Date: Wednesday, April 8, 2020 8:57:53 AM
Attachments: [image001.png](#)

Dear Eileen:

Thank you for your note and conversation yesterday. I will get back to you by the end of the week.

Take care,

Amy C. Miller
Director, Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
(415) 947-4198
miller.amy@epa.gov

From: White, Eileen <eileen.white@ebmud.com>
Sent: Tuesday, April 7, 2020 8:38 PM
To: Mumley, Thomas@Waterboards <Thomas.Mumley@waterboards.ca.gov>; Miller, Amy <Miller.Amy@epa.gov>
Cc: White, Eileen <eileen.white@ebmud.com>
Subject: COVID-19 and Private Sewer Lateral Inspections

Hi Amy and Tom,

I hope you are both doing well during these unusual times.

(b) (7)(A)



(b)
(7)
(A)

(b) (7)(A)



(b) (7)(A)

(b) (7)(A)

I look forward to hearing from you. Thanks!

Eileen

Eileen M. White, P.E.

Director of Wastewater

eileen.white@ebmud.com

(510) 287-1149 [voice] (510) 287-1351 [fax]

East Bay Municipal Utility District

PO Box 24055 - MS702

Oakland, CA 94623

full-values-color



From: [Scavello, Grant](#)
To: [Ahmed A. Aly](#)
Cc: [Andrew Poster](#); [Magnan, Eric](#)
Subject: RE: EPA Compliance Evaluation of City of Mill Valley
Date: Friday, April 3, 2020 2:55:23 PM
Attachments: [oecamemooncovid19implications.pdf](#)

Mr. Aly,

Thank you for contacting us regarding this potential change. Attached please find EPA's memo which is designed to help guide you and your staff during this time. The memo issued by the Assistant Administrator for Enforcement and Compliance Assurance, Susan Bodine, explains how EPA will address noncompliance and what permittees/respondents need to do to report and mitigate noncompliance. This memo is not a no action assurance for future enforcement actions. The memo notes that regulated entities should make every effort to comply with their environmental compliance obligations and we will use enforcement discretion on a case-by-case basis. Permittees should follow the instructions in the memo, applicable permits, and effective enforcement orders to notify EPA if compliance is not reasonably practicable due to COVID-19.

I would be happy to address any additional questions or follow-up that you may have after reviewing this memo. Thank you again for working to keep EPA informed during this time.

Grant

Grant Scavello

Physical Scientist, Water Section I
Enforcement and Compliance Assurance Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-1
San Francisco, CA 94105
415.972.3556
scavello.grant@epa.gov

From: Ahmed A. Aly <aaaly@cityofmillvalley.org>
Sent: Thursday, April 2, 2020 12:12 PM
To: Scavello, Grant <Scavello.Grant@epa.gov>
Cc: Andrew Poster <APoster@cityofmillvalley.org>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

Good morning Grant, I hope you are all staying healthy and well. We have a question for you regarding the City of Mill Valley Annual EPA Report.

Per the attached sheet from our annual SSRAP, we have projected to repair and replace approximately 4,870 linear feet of sewer pipe this year.

But due to the current situation, we may not be able to complete approximately 2,670 linear feet of that amount, what is the process that we need to do to address this discrepancy ? and do we file an amendment to our last year report?

I appreciate your help with this question.

Thanks

*Ahmed A Aly, P.E.
City of Mill Valley
Project Manager
415-384-4755
aaaly@cityofmillvalley.org*

I am working remotely due to the COVID-19 situation. If needed, please contact me via cell (925) 437-9750

From: Andrew Poster <APoster@cityofmillvalley.org>
Sent: Monday, January 27, 2020 11:15 AM
To: Vivian Housen <vhousen@housenassociates.com>; Danielle Gloystein <dgloystein@cityofmillvalley.org>; Ahmed A. Aly <aaaly@cityofmillvalley.org>; Jill McNeal <jmcneal@cityofmillvalley.org>; Jesus Beltran <jbeltran@cityofmillvalley.org>; Antony Boyd <tboyd@cityofmillvalley.org>; Mark Grushayev <mgrushayev@cityofmillvalley.org>; Eric Erickson <eerickson@cityofmillvalley.org>; Roger Paskett <rpaskett@cityofmillvalley.org>; Mark Wilson <mwilson@cityofmillvalley.org>; Eric Erickson <eerickson@cityofmillvalley.org>
Cc: Jim McCann <jmccann@cityofmillvalley.org>; Alan Piombo <apiombo@cityofmillvalley.org>
Subject: FW: EPA Compliance Evaluation of City of Mill Valley

Team MV Sanitary Sewer - Below and attached please find our response to the EPA and the completed questionnaire in advance of Wednesday's evaluation.

Thank you all for your attention to this critical issue. I realize it required everyone to drop a bunch of other items/important tasks and to perform research and outreach seeking answers to many of these questions. I hope your great work will pay off and trust that the Wednesday physical review will go as smoothly as this did.

Thanks again for all your hard work and expertise on this subject,

From: Andrew Poster
Sent: Monday, January 27, 2020 11:10 AM
To: 'Scavello, Grant' <>
Cc: 'PERKINS, SUSANNE' <Perkins.Susanne@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

Hi Grant - Attached, please find the completed questionnaire and let us know if you have any other questions before our Wednesday morning meeting.

Our DPW office is located upstairs at City Hall. (b) (6)

Thank you,

Andrew D. Poster, PE, TE
City of Mill Valley
Director of Public Works
(415) 384-4848

From: Andrew Poster
Sent: Wednesday, January 15, 2020 11:27 AM
To: Scavello, Grant <Scavello.Grant@epa.gov>
Cc: PERKINS, SUSANNE <Perkins.Susanne@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

OK. Thanks Grant, We'll focus on those issues.

From: Scavello, Grant <Scavello.Grant@epa.gov>
Sent: Wednesday, January 15, 2020 10:21 AM
To: Andrew Poster <APoster@cityofmillvalley.org>
Cc: PERKINS, SUSANNE <Perkins.Susanne@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

Andrew,

(b) (7)(A)

If any other questions or thoughts come up as you prepare for our meeting please feel free to ask.

-Grant

From: Andrew Poster <APoster@cityofmillvalley.org>
Sent: Wednesday, January 15, 2020 10:03 AM
To: Scavello, Grant <Scavello.Grant@epa.gov>
Cc: PERKINS, SUSANNE <Perkins.Susanne@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

Thanks Grant and Susanne, I am just getting to see this now. This is in fact a comprehensive document. I'm skeptical that we will be able to respond by 1/24 as Monday 1/20/20 is a holiday and City Hall is closed Friday 1/24/20, realistically giving us only 5 work days to review. We will do our best to get you the questionnaire ASAP and no later than 1/28/20, and look forward to seeing you on 1/29/20 at 9:30 AM.

Thank you,

Andrew D. Poster, PE, TE
City of Mill Valley
Director of Public Works
(415) 384-4848

From: Scavello, Grant <Scavello.Grant@epa.gov>
Sent: Monday, January 13, 2020 4:54 PM
To: Andrew Poster <APoster@cityofmillvalley.org>
Cc: PERKINS, SUSANNE <Perkins.Susanne@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

Andrew,

(b) (7)(A)
[Redacted text block containing multiple lines of blacked-out content]

Let me know if you have any other questions as we get closer to the inspection date.

Thank you again for working with me to coordinate your staff.

Grant

From: Andrew Poster <APoster@cityofmillvalley.org>
Sent: Thursday, January 9, 2020 5:07 PM
To: Scavello, Grant <Scavello.Grant@epa.gov>
Cc: Kostek, Daniel <kostek.daniel@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

OK. Thanks Grant – I'll get back to you if for some reason anyone from our team can't make it....

From: Scavello, Grant <Scavello.Grant@epa.gov>
Sent: Thursday, January 9, 2020 4:42 PM
To: Andrew Poster <APoster@cityofmillvalley.org>
Cc: Kostek, Daniel <kostek.daniel@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

Andrew,

That will work for me. I will likely have a different colleague from my team join as Dan has another obligation that day.

I'm out of the office next week, and will send the checklist over at the beginning of next week. We generally cater it to the specific items we'd like to focus on with your system.

Thanks for working to have your staff in attendance, we appreciate it.

Grant

From: Andrew Poster <APoster@cityofmillvalley.org>
Sent: Thursday, January 9, 2020 4:08 PM
To: Scavello, Grant <Scavello.Grant@epa.gov>
Cc: Kostek, Daniel <kostek.daniel@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

Hi Grant – The 23rd isn't available for all.

I haven't confirmed with everyone yet, but if it's more of an all day thing, the 29th seems to be a better date. Perhaps from 9:30 to 3:00? If this works for you and Daniel, I will then recirculate to the folks here at Mill Valley to confirm. If it doesn't, then next week we may need to go to another tool such as Doodle.

Please let me know.

In the meantime, could you please forward the checklist you mentioned.

Thank you,

Andrew D. Poster, PE, TE
City of Mill Valley
Director of Public Works
(415) 384-4848

From: Scavello, Grant <Scavello.Grant@epa.gov>
Sent: Wednesday, January 8, 2020 9:28 AM
To: Andrew Poster <APoster@cityofmillvalley.org>
Cc: Jill McNeal <jmcneal@cityofmillvalley.org>; Jesus Beltran <jbeltran@cityofmillvalley.org>; Ahmed A. Aly <aaaly@cityofmillvalley.org>; Antony Boyd <tboyd@cityofmillvalley.org>; Danielle Gloystein <dgloystein@cityofmillvalley.org>; Kostek, Daniel <kostek.daniel@epa.gov>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

Andrew,

I'm glad to hear that the timing is good for your group. We certainly look forward to learning more about the work you have done.

Please feel free to take as long as you need for you and your staff to present what you'd like to us. My colleague Dan Kostek and I will block the entire day off. Our goal is to achieve as comprehensive a picture of your work as we can.

Could we plan on Thursday, January 23rd for our meeting?

Grant

From: Andrew Poster <APoster@cityofmillvalley.org>
Sent: Tuesday, January 7, 2020 1:48 PM
To: Scavello, Grant <Scavello.Grant@epa.gov>
Cc: Jill McNeal <jmcneal@cityofmillvalley.org>; Jesus Beltran <jbeltran@cityofmillvalley.org>; Ahmed A. Aly <aaaly@cityofmillvalley.org>; Antony Boyd <tboyd@cityofmillvalley.org>; Danielle Gloystein <dgloystein@cityofmillvalley.org>
Subject: RE: EPA Compliance Evaluation of City of Mill Valley

(b) (7)(A)

[Redacted content]

I'm copying some key folks on our team that I would like to attend and be available to show you our

processes, files, reports, SSMP, systems, current projects, training logs, etc. I'm not sure who will end up attending, or if they will all need to be present for the entire ½ day, but with this am checking to see if there are any hard conflicts.

Jill McNeal = Engineering Technician
Jesus Beltran = Streets and Sewer Supervisor
Ahmed Abu Aly = Project Manager
Antony Boyd = Operations Superintendent
Danielle Gloystein = Administrative Aid

Otherwise, the following look available for me and please let us know what time slot is best for you.

Tuesday, January 21 – Morning
Thursday, January 23 – Morning
Monday, January 27 – Afternoon
Tuesday, January 28 – Morning
Wednesday, January 29 – Afternoon
Thursday, January 30 – Morning

Danielle – Once Grant gets back to us with a date, could you please reserve either the conference room or Council Chambers for our use?

Thank you,

Andrew D. Poster, PE, TE
City of Mill Valley
Director of Public Works
(415) 384-4848

From: Scavello, Grant <Scavello.Grant@epa.gov>
Sent: Tuesday, January 7, 2020 10:53 AM
To: Andrew Poster <APoster@cityofmillvalley.org>
Subject: EPA Compliance Evaluation of City of Mill Valley

Mr. Poster,

My name is Grant Scavello, and I am an Inspector in EPA's Clean Water Act Enforcement group. I have been tasked with management and review of the 2008 Sausalito-Marin City and City of Mill

Valley Administrative Order CWA-309(a)-08-031 and amended order CWA-309(a)-08-030, and have reviewed documentation the City is submitting to EPA per order requirements. I would like to schedule a compliance evaluation of the City of Mill Valley program in the coming weeks. The purpose of this compliance evaluation is to evaluate the progress you have made under the Administrative Order and get a better sense of your daily system operations.

I would appreciate it if you could please provide me with three dates over the next few weeks that would work for you and any other appropriate staff to meet with me. The evaluation generally takes about half a day. Once we have a date in place, I will send you a checklist that helps lay out the types of information that will shape our meeting discussion.

I'm also happy to discuss this further over the phone, and can be reached at the number in my email signature. I look forward to working with you in the coming weeks.

Grant

Grant Scavello

Physical Scientist, Water Section I
Enforcement and Compliance Assurance Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-1
San Francisco, CA 94105
415.972.3556
scavello.grant@epa.gov

From: [Weiss, Michael](#)
To: [Magnan, Eric](#); [Howell, Adam](#); [Bromley, Eugene](#)
Subject: RE: Follow-up to Platform Edith Inspection
Date: Monday, April 6, 2020 9:19:49 AM

FYI – see message from Jay at DCOR

From: Jay Rao <JRao@dcorllc.com>
Sent: Friday, April 03, 2020 5:42 PM
To: Weiss, Michael <weiss.michael@epa.gov>
Subject: Re: Follow-up to Platform Edith Inspection

Hi Mike,
Platform Edith is operational and is discharging produced water overboard. The only difference is that non-essential personnel, such as myself, are not allowed to go. On Monday, I will request my management for a special permission to visit Edith for a day. If it is granted, I will go to Edith on Tuesday morning and get the ball rolling. Also, I will send you the drawing that shows two sampling points. I am hoping this project would be completed before the end of this month.

Thank you, once again, for your patience.

Stay safe.

Best.
Jay

Sent via the Samsung Galaxy Note10+, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Weiss, Michael <weiss.michael@epa.gov>
Sent: Friday, April 3, 2020 3:31:37 PM
To: Jay Rao <JRao@dcorllc.com>
Cc: Howell, Adam <Howell.Adam@epa.gov>; Magnan, Eric <Magnan.Eric@epa.gov>
Subject: RE: Follow-up to Platform Edith Inspection

Hi Jay,
We appreciate and note your response. The attached memo issued by Susan Bodine of EPA's Office of Enforcement and Compliance Assurance explains how EPA will address noncompliance and what permittees/respondents need to do to report and mitigate noncompliance. This memo is not a no action assurance for future enforcement actions. The memo notes that regulated entities should make every effort to comply with their environmental compliance obligations and we will use enforcement discretion on a case-by-case basis. Permittees should follow the instructions in the memo, applicable permits, and effective enforcement orders to notify EPA if compliance is not reasonably practicable due to COVID-19.

(b) (7)(A)

(b) (7)(A)

Thanks again and stay safe,
Mike

From: Jay Rao <JRao@dcorllc.com>
Sent: Thursday, April 02, 2020 10:42 AM
To: Weiss, Michael <weiss.michael@epa.gov>
Subject: RE: Follow-up to Platform Edith Inspection

Hi Mike,

Yes, we are all doing fine, and hope the same with you as well. Thanks for asking. (b) (7)(A)

because of the current situation, we are not allowed to go offshore. Only essential personnel are allowed. This restriction may remain in force until the end of this month. As soon as we are allowed, this is the first thing on my priority list. Please be patient, it will be done.

Thank you.

Jay

From: Weiss, Michael <weiss.michael@epa.gov>
Sent: Wednesday, April 1, 2020 4:56 PM
To: Jay Rao <JRao@dcorllc.com>
Cc: Magnan, Eric <Magnan.Eric@epa.gov>; Howell, Adam <Howell.Adam@epa.gov>
Subject: RE: Follow-up to Platform Edith Inspection

Hi Jay,

Hope all is well. (b) (7)(A)

Thanks and stay safe,
Mike

From: Jay Rao <JRao@dcorllc.com>
Sent: Sunday, March 01, 2020 8:31 PM
To: WEISS, MICHAEL <weiss.michael@epa.gov>
Subject: Re: Follow-up to Platform Edith Inspection

Hi Mike,

Sorry for the delay in my response. Yes, Wednesday (3/4) 4-5PM will work for me. Please go ahead and send me the invite.

Goodnight

Jay

Sent via the Samsung Galaxy Note10+, an AT&T 5G Evolution capable smartphone

Get [Outlook for Android](#)

From: WEISS, MICHAEL <weiss.michael@epa.gov>
Sent: Wednesday, February 26, 2020, 3:47 PM
To: Jay Rao
Subject: RE: Follow-up to Platform Edith Inspection

Hi Jay,

(b) (7)(A)

. We decided we would like to setup a call with Eric, Eugene, Adam, myself, you, and whoever else from DCOR that you think should participate early next week.

Are you available Tuesday 3/4 from 3-5pm or Wednesday 3/5 from 9-10 am or 4-5pm?

Let me know if those times work and I will send out a meeting invite.

Thanks again,

Mike

From: Jay Rao <JRao@dcorllc.com>
Sent: Friday, February 21, 2020 4:32 PM
To: WEISS, MICHAEL <weiss.michael@epa.gov>
Subject: RE: Follow-up to Platform Edith Inspection

Yes, Mike. He is one of our production engineers; and his name is Dale Bradley. His email address is dbradley@dcorllc.com.

Have a great weekend.

Best.

Jay

From: WEISS, MICHAEL <weiss.michael@epa.gov>
Sent: Friday, February 21, 2020 4:26 PM
To: Jay Rao <JRao@dcorllc.com>
Subject: RE: Follow-up to Platform Edith Inspection

Can you also send along the information for the other person who was on the call? Missed his name.

Thanks,

Mike

From: WEISS, MICHAEL
Sent: Friday, February 21, 2020 4:24 PM
To: Jay Rao <JRao@dcorllc.com>
Cc: Howell, Adam <Howell.Adam@epa.gov>; bcook@dcorllc.com
Subject: Follow-up to Platform Edith Inspection

Hi Jay,

Thanks again for taking the time to discuss some of the findings from the Platform Edith inspection in September 2019 (attached). (b) (7)(A)

[REDACTED]

[REDACTED]

[REDACTED]

Let me know if you have any questions and I will reach out to you soon.

Thanks,

Mike

Michael Weiss
Wastewater Section (ENF-3-1)
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415.947.4570

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From: [Magnan, Eric](#)
To: [Arnold Abe](#); [Albright, David](#)
Cc: [Eric Nakagawa](#); [Francis Asiu](#); [Kelcie Takehara](#); [Scott Rollins](#); [Rodriguez, Roberto](#)
Subject: RE: Lahaina WWRF UIC Compliance Reporting and Testing -
Date: Thursday, April 2, 2020 10:57:00 AM

Aloha Arnold,

Thanks for checking in to clarify your understanding of this memo. The memo you referenced was issued by Susan Bodine from EPA's Office of Enforcement and Compliance Assurance to explain how EPA will address noncompliance and what permittees/respondents need to do to report and mitigate noncompliance. This memo is not a no action assurance for future enforcement actions. The memo notes that regulated entities should make every effort to comply with their environmental compliance obligations and we will use enforcement discretion on a case-by-case basis. Permittees should follow the instructions in the memo, applicable permits, and effective enforcement orders to notify EPA if compliance is not reasonably practicable due to COVID-19.

I hope you are all staying safe and doing well. Do not hesitate to let me know if you have any additional questions.

Mahalo,

Eric

Eric Magnan, P.E.
Manager, Water Section I
Enforcement and Compliance Assurance Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-1
San Francisco, CA 94105
415.947.4179
magnan.eric@epa.gov

From: Arnold Abe <Arnold.Abe@co.maui.hi.us>
Sent: Tuesday, March 31, 2020 7:45 PM
To: Albright, David <Albright.David@epa.gov>
Cc: Eric Nakagawa <Eric.Nakagawa@co.maui.hi.us>; Francis Asiu <Francis.Asiu@co.maui.hi.us>; Kelcie Takehara <Kelcie.Takehara@co.maui.hi.us>; Scott Rollins <Scott.Rollins@co.maui.hi.us>; Magnan, Eric <Magnan.Eric@epa.gov>; Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>
Subject: RE: Lahaina WWRF UIC Compliance Reporting and Testing -

Aloha David,

I read through the attached and wanted to confirm, that while this COVID-19 program is in effect, any missed reporting or non-compliance events due to the effects of the COVID-19 will not result in a violation of the applicable UIC permit or Consent Agreement requirements, as long as it's reported as such.

<https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>

I'm assuming that this is the latest directive on this issue.
Please advise at your convenience, and hope we all continue to remain safe.
Arnold
>>> "Albright, David" <Albright.David@epa.gov> 3/25/2020 9:16 AM >>>

Aloha Arnold,

Thanks for reaching out. The Agency is currently evaluating how to address the many different requests we are getting similar to yours. I recognize that it is a difficult time and everyone is trying to do their best to stay on top of things. That said, I'm not able to waive UIC permit requirements, but would instead ask that you reach out to us with any specific issues you are facing, including any requirements that you cannot meet or are concerned about meeting as a result of the COVID-19 pandemic.

As for the consent agreement, I am copying two of my EPA colleagues in Enforcement Division in case they have anything further to add on this matter.

I hope you all are doing well and staying safe. Please don't hesitate to contact me if you have further questions or wish to discuss.

Mahalo,
David

David Albright
Manager, Groundwater Protection Section
USEPA Region 9 (WTR-4-2)
75 Hawthorne Street
San Francisco, CA 94105
415 972-3971

From: Arnold Abe <Arnold.Abe@co.maui.hi.us>
Sent: Friday, March 20, 2020 2:35 PM
To: Albright, David <Albright.David@epa.gov>
Cc: Eric Nakagawa <Eric.Nakagawa@co.maui.hi.us>; Scott Rollins <Scott.Rollins@co.maui.hi.us>
Subject: Lahaina WWRF UIC Compliance Reporting and Testing -

Aloha David,
Due to responses to the COVID-19, will the EPA provide any waivers or deferrals for required testing and/or reporting to comply with current UIC/Consent Agreement requirements, or are we expected to continue and provide them as required.

We're trying to ensure proper and adequate staffing, especially our lab, to ensure essential work is getting done.
Please advise at your convenience.
Thanks,

Arnold

From: [Weiss, Michael](#)
To: [Jackson, Tyree A](#); Plummer, Sam@Waterboards
Cc: [Magnan, Eric](#); Schlipf, Robert@Waterboards
Subject: RE: NPDES and Consent Decree Compliance during COVID-19 Response
Date: Wednesday, March 18, 2020 10:21:09 AM

Hi Tyree,

Thank you for the reaching out. EPA appreciates the complexities that may arise due to the evolving federal, state, and local response to the coronavirus and recommends that the City of Oakland continue to use its best efforts to comply with the terms of its NPDES permit and the Consent Decree. EPA requests the City of Oakland send notifications of anticipated or actual noncompliance, with either the NPDES permit or the Consent Decree, resulting from the COVID-19 response.

If Oakland is unable to comply, it should follow the terms of the applicable permit regarding noncompliance and reporting requirements. EPA is unable to provide a no action assurance, but may exercise its enforcement discretion when evaluating noncompliance. As a reminder from the City's NPDES permit, "the Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements (40 C.F.R. § 122.41(l)(2).)" - Attachment D. Section V. STANDARD PROVISIONS—REPORTING, Subsection G. Anticipated Noncompliance. I also encourage you to review the Twenty-Four Hour Reporting and Other Noncompliance subsections within Attachment D.

Thanks again and let me know if you have any questions.

Stay safe,

Mike

Michael Weiss
Wastewater Section (ENF-3-1)
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415.947.4570

From: Jackson, Tyree A <TAJackson@oaklandca.gov>
Sent: Monday, March 16, 2020 3:50 PM
To: Weiss, Michael <weiss.michael@epa.gov>; Plummer, Sam@Waterboards <sam.plummer@waterboards.ca.gov>
Subject: NPDES and Consent Decree Compliance during COVID-19 Response

Hello Mike and Sam,

Hope this message find you both healthy and well.

In response to this on-going (and every-changing public health crisis) the City of Oakland is attempting to adjust our wastewater operations to continue to provide essential services for wastewater collection, and help keep our employees (and the broader community) safe – all while making every effort to maintain compliance with both the Consent Decree and our NPDES permit.

We believe that the systems we have put into place will be effective to provide essential services, but do recognize that there could be compliance gaps due to unforeseen, and/or unprogrammable, operational issues.

Is there any notification (or reporting) guidance that you could provide, should we find our compliance with the subject mandates in jeopardy?

Thanks – and take care of yourselves!

Tyree Jackson

Regulatory Compliance Officer

Public Works Administration

City of Oakland | Oakland Public Works Department | APWA Accredited Agency

250 Frank H. Ogawa Plaza | Oakland, CA 94612

510-238-3672 | [Email: tajackson@oaklandca.gov](mailto:tajackson@oaklandca.gov)

Report A Problem | Call OAK 311 | From outside Oakland: (510) 615-5566

311.oaklandca.gov | OAK311@oaklandnet.com | Mobile app: [Apple](#) or [Android](#)

Mission Statement:

Oakland Public Works is dedicated to you! We strive to maintain, improve and preserve Oakland's infrastructure and environment for the residents, businesses, visitors and future generations of every neighborhood in our diverse city.



MVCAC
Mosquito and Vector Control Association of California

One Capitol Mall, Suite 800 • Sacramento, CA 95814 • p: (916) 440-0826 • f: (916) 444-7462 • e: mvcac@mvcac.org

May 1st, 2020

Jeffrey Scott
USEPA Region 9
Director, Land, Chemicals, and Redevelopment Division
75 Hawthorne Street
San Francisco, CA 94105

RE: Public Health Mosquito Control Relief from COVID-19 related Personal Protection Equipment Shortages

Dear Director Scott,

The Mosquito and Vector Control Association (MVCAC) represents more than sixty mosquito and vector control agencies throughout the state (www.mvcac.org). As an association we often collaborate and coordinate with State and Federal agencies to maintain our mission of effective public health mosquito control. As you are aware, this global pandemic is affecting industries in ways we could never have anticipated. Districts around the state are already responding to increases in mosquito abundance and working to try to limit those numbers, with the goal of reducing mosquito-borne diseases.

Perhaps less known is that some of the products that we use to accomplish mosquito control have the requirements of respirators for application. The ongoing pandemic is causing supplies to be limited and making our mission to protect the public from mosquito-borne illnesses more challenging. What we are hoping for is some consideration regarding the N-95 respirator requirements for vector technicians making larval control applications with Bti (and L. sphaericus) products.

Many local vector control agencies have limited N-95, R-96, P-95, PAPR, and half-mask respirators on hand and the prospect of resupply for the next few months is literally non-existent due to the COVID-19 response effort. We are hoping that temporary discretion could be provided that would allow N-95, or other disposable mask use, beyond the workday for the application of the Bti larval control products only. These products are essential to effective and safe public health mosquito control and we appreciate your consideration.

If you have questions or would like to further discuss this matter, please do not hesitate to contact the Association.

Sincerely,

Peter Bonkrude, MS
President of MVCAC

From: Steiner, Cyntia
Sent: Thursday, April 16, 2020 9:10 AM
To: tthomasy@cityofshastalake.org
Cc: Morimoto, Kaoru
Subject: RE: COVID-19 implications - City of Shasta Lake's RMP/PSM 3 year compliance

Dear Mr. Thomasy,

Sorry for the delayed response to your question below.

The situation described in your email below seems to satisfy the conditions identified the EPA's March 26 memorandum <https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>. The memorandum should be referenced on how best for your facility to proceed.

Please note that EPA has also published *Frequent Questions About the Temporary COVID-19 Enforcement Policy*, which is available at <https://www.epa.gov/enforcement/frequent-questions-about-temporary-covid-19-enforcement-policy>. One of the frequent questions includes information on documentation requirements:

What kind of documentation should facilities maintain if compliance is not reasonably practicable due to the COVID-19 public health emergency?

Section I.A of the Policy provides as follows:

If compliance is not reasonably practicable, facilities with environmental compliance obligations should:

- a. Act responsibly under the circumstances in order to minimize the effects and duration of any noncompliance caused by COVID-19 public health emergency;
- b. Identify the specific nature and dates of the noncompliance;
- c. Identify how COVID-19 public health emergency was the cause of the noncompliance, and the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity;
- d. Return to compliance as soon as possible; and
- e. *Document the information, action, or condition specified in a. through d. (emphasis added).*

The amount, level, and type of information needed to document a facility's response to noncompliance that the facility asserts was caused by COVID-19 public health emergency necessarily will vary in each individual case. Decisions on what and how to document should reflect the particular facts and circumstances of the COVID-19 public health emergency-caused noncompliance, the nature of a facility's operations, the specific environmental requirement(s) affected, the extent of noncompliance, the decisions made to manage the noncompliance and impacts, what steps were undertaken to address the compliance problem, and any other relevant information. While it is not possible to specify in advance exactly what contemporaneous documentation should be maintained by a facility beyond that

itemized in Section I.A of the Policy, in all cases the documentation should fully and completely explain and support the situation presented by the COVID-19 public health emergency-caused noncompliance and the facility's response to it.

Let me know if you have any further questions,

Regards,

Cyntia Steiner
Chemical Accident Prevention
Hazardous Waste & Chemical Section (ENF-2-2)
Enforcement and Compliance Assurance Division
EPA Region 9
75 Hawthorne Street
San Francisco, CA 945105
415-947-4112

-----Original Message-----

From: drupal_admin@epa.gov <drupal_admin@epa.gov> On Behalf Of Tony Thomasy via EPA
Sent: Wednesday, April 1, 2020 7:32 AM
To: R9.Info <R9.Info@epa.gov>
Subject: Inquiry from Region 9 Contact Us form

Question or comment submitted on 04/01/2020 10:32AM

Your Name: Tony Thomasy
Organization: City of Shasta Lake
Email: tthomasy@cityofshastalake.org
Phone number: 5302757488

Your request or comment:

The City of Shasta Lake's RMP/PSM 3 year compliance update is due. The update was scheduled to be completed on March 23rd by KWA Safety and HazMat Consultants. However, due to the COVID pandemic it was agreed upon by both parties to postpone the update. Travel, work space, bathrooms all pose significant risk to exposure. On March 26th the memo "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" was issued for instances of noncompliance. Would this issue be covered under that memo?

Please advise.

Thank you,

Tony Thomasy
Water Department Superintendent
City of Shasta Lake



STEGE SANITARY DISTRICT

District Manager/Engineer:
Rex Delizo, P.E.

District Counsel:
Kristopher Kokotaylo

Board of Directors:
Juliet Christian-Smith
Paul Gilbert-Snyder
Dwight Merrill
Alan C. Miller
Beatrice R. O'Keefe

Friday, March 27, 2020

Eric Magnan, P.E.
Manager, Water Section I
Enforcement and Compliance Assurance
Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-1
San Francisco, CA 94105
magnan.eric@epa.gov

Chief, Clean Water Act, Water Section I,
(ENF 3-1)
Enforcement Division
U.S. Environmental Protection Agency,
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: Notice of Force Majeure Event

September 22, 2014 Consent Decree in *United States of America, People of the State of California ex rel. State Water Resources Control Board and Regional Water Quality Control Board, San Francisco Bay Region (Plaintiffs), San Francisco Baykeeper and Our Children's Earth (Intervenor-Plaintiffs) v. East Bay Municipal Utility District, and United States of America, People of the State of California ex rel. State Water Resources Control Board and Regional Water Quality Control Board, San Francisco Bay Region, San Francisco Baykeeper and Our Children's Earth v. Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont and Stege Sanitary District* (N. D. Cal., Consolidated Case Nos. C 09-00186-RS and C 09-05684-RS

Dear Mr. Magnan:

On behalf of Stege Sanitary District ("Stege"), and pursuant to the United States' and California's efforts to respond to the novel coronavirus (COVID-19), this letter serves as notice of a *force majeure* event under Paragraph 199 of Section XXI of the above-referenced Consent Decree. Stege requests relief from the Consent Decree in support of its efforts to minimize risk of exposure and otherwise respond to COVID-19.

The Consent Decree focuses on reducing flow to levels that East Bay Municipal Utility District's ("EBMUD") longtime main treatment facility at the Bay Bridge can handle during continuous or more severe storm events. The Consent Decree focuses on three areas of reduction: private sewer laterals needing repair; inflow and infiltration ("I&I") from public sewer mains and connections; and

possible sources of inflow and rapid infiltration during storms that will be investigated through a specific regional technical support program. The Consent Decree provides very specific work sections for Stege and potential stipulated penalties related to such work.

At this time, to protect both its employees and the general public, Stege is in the process of evaluating how it may need to temporarily limit or delay certain activities required under the Consent Decree as part of its larger COVID-19 response to reduce social contact and comport with the “social distancing” guidelines issued by the Centers for Disease Control and Prevention (CDC), the President of the United States through his “Coronavirus Guidelines for America” issued on March 16, 2020 and Governor Gavin Newsom’s Executive Orders (Nos. N-25-20, March 12, 2020 [restricting mass gatherings]; N-31-30, March 17, 2020 [restoring essential supply chains]; N-33-20 [imposing stay-at-home provisions]; N-35-20, March 21, 2020 [maximizing health care] N-29-20 [safeguarding benefit eligibilities]). These guidelines recommend avoiding close contact with other individuals (within 6 feet), avoidance of social gatherings of more than 10 people, avoiding discretionary travel, and working from home whenever possible.

As stated in the Governor’s Executive Orders, despite many of the present actions taken by governments and businesses, the virus continues to spread. Many more cases are being reported daily. As continued restrictions persist, we are preparing for potential consequences. The curtailment activities to respond to COVID-19 may delay performance of certain obligations under the Consent Decree; however, we are unable at this time to determine the anticipated duration of any delay. Obligations under the Consent Decree that may be delayed due to the *force majeure* event include, but are not limited to, rehabilitating and cleaning sanitary sewer infrastructure, identifying and reducing or eliminating sources of I&I to the sewer systems, and continuing to require repair and replacement of private sewer laterals under local and regional ordinances by articulated timelines. We are taking steps to prevent or minimize any delay, including carefully evaluating the Consent Decree schedule for carrying out actions to mitigate delays associated with the COVID-19 curtailment activities.

Please feel free to contact me if you have any questions related to this notice.

Thank you,
STEGE SANITARY DISTRICT

A handwritten signature in blue ink, appearing to read 'R.D.', is positioned above the printed name of the District Manager.

Rex Delizo, P.E.
District Manager

Transmitted via email:

Eric Magnan, EPA (magnan.eric@epa.gov)

Mike Weiss, EPA (weiss.michael@epa.gov)

Eileen Sobeck, State Water Board (eileen.sobeck@waterboards.ca.gov)

Michael Montgomery, State Water Board (michael.montgomery@waterboards.ca.gov)

Marnie Ajello, State Water Board (marnie.ajello@waterboards.ca.gov)

Robert Schlipf, Regional Water Board (rschlipf@waterboards.ca.gov)

Sam Plummer, Regional Water Board (sam.plummer@waterboards.ca.gov)

Viviana L. Heger, Meyers Nave (vheger@meyersnave.com)

Kristopher Kokotaylo, Meyers Nave (kkokotaylo@meyersnave.com)

Morimoto, Kaoru

From: Morimoto, Kaoru
Sent: Friday, May 8, 2020 1:51 PM
To: Morimoto, Kaoru
Subject: FW: Administrative Compliance Order on Consent, EPAR9-CAA(112r)-2019-3501 - Delay Notice Letter
Attachments: DELAY NOTICE LETTER RE STP AOC FIRE MITIGATION - signed.pdf

From: Kim, Edmund <Edmund.Kim@starkist.com>
Sent: Monday, April 13, 2020 5:16 PM
To: Bazley, Greg <Bazley.Greg@epa.gov>
Cc: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>; Meece, Scott <Scott.Meece@StarKist.com>; Roberts, Jeff <Jeff.Roberts@StarKist.com>; Schenk, Michael <Michael.Schenk@Starkist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman (<DRockman@eckertseamans.com>) <DRockman@eckertseamans.com>; Wildman Sloane (WDC <SWildman@perkinscoie.com>)
Subject: Administrative Compliance Order on Consent, EPAR9-CAA(112r)-2019-3501 - Delay Notice Letter

Dear Greg Bazley,

Please see the attached Delay Notice Letter for STP AOC Fire Mitigation under Administrative Compliance Order on Consent, EPAR9-CAA(112r)-2019-3501.

Please reach out with any comments or concerns.

Yours Sincerely,

Edmund Kim
Environmental Management Supervisor
StarKist Samoa Co.
Phone: (684) 622-2050 Ext. 5012
Direct Line: (684) 622-2012

Via Email Only

April 13, 2020

Greg Bazley
U.S. Environmental Protection Agency
Chemical Accident Prevention Program
2445 Palm Drive, Suite 100
Signal Hill, CA 90755
Bazley.Greg@epa.gov

**Re: *Starkist Samoa Co., Administrative Compliance Order on Consent,
EPAR9-CAA(112r)-2019-3501***

Dear Mr. Bazley:

On behalf of Starkist Samoa Co. ("Starkist"), we are writing regarding the above-referenced Administrative Compliance Order on Consent ("ACO") to provide advance notice of an anticipated inability to complete the fire mitigation measures required by Paragraph 28 within the schedule established in the Fire Hazard Analysis for the STP Ammonia Refrigeration System ("FHA") submitted on September 27, 2019, as is required by Paragraph 29 of the ACO. The FHA established a series of milestone deadlines for progress and completion of the fire mitigation measures. Due to the COVID-19 pandemic, and associated travel restrictions, "stay at home" orders, quarantine requirements, and business interruptions, it no longer appears likely that future milestones between the present date and the completion of the project will be met.

The ACO does not contain a requirement to provide notice of anticipated delays, and also does not contain a force majeure provision. However, in the interests of transparency and furthering the working relationship between Starkist and the U.S. EPA, we believe it is appropriate to communicate this status to you as the obstacles to achieving the milestone deadlines have accumulated. Additionally, our reading of the March 26, 2020 *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program* memo issued by Assistant Administrator Bodine suggests that U.S. EPA already recognizes that COVID-19 may present circumstances that prevent parties to administrative settlement agreements from meeting enforceable milestones in those agreements.

A copy of the milestones schedule from the FHA (Appendix B to the FHA) is enclosed with this letter for convenience. *See* Exhibit 1. The initial two deadlines, for awarding major contracts by December 14, 2019, and of implementing a combustibles control plan by January 31, 2020, were met. Future deadlines, from the April 20, 2020 date to receive major piping components and material to the August 31, 2020 commissioning and in-service date for the fire mitigation system, now appear unlikely to be met.

Design work on the Fire Protection Water Supply and Fire Sprinkler Systems has been completed, and design work on the Fire Detection and Alarm Systems is substantially complete. The primary next steps are the receipt of materials for the sprinkler system, and the need for Starkist's contractors to be present at the STP facility to begin installation work. Except for certain tasks, Starkist is limited to using contractors from outside of American Samoa because the necessary fire mitigation system expertise and equipment is not available in American Samoa. It had been anticipated that Starkist's contractors would be on-site in April 2020.

American Samoa has implemented a series of travel restrictions and mandatory quarantines. On January 31, 2020, existing travel restrictions related to a measles outbreak were expanded by Health Director Motusa Tuileama Nua to counter COVID-19. This order was expanded on March 4, 2020 to require, among other things, that travelers from afflicted U.S. States have a fourteen (14) day stay in Hawaii and a health clearance prior to being allowed to enter American Samoa. The Governor's Declaration of Continued and Expanded Public Health Emergency and the Director's Travel Advisory are attached for your reference. *See Exhibits 2 and 3.* The most recent action, the *Second Amended Declaration of Continued Public Health Emergency and State of Emergency for COVID-19*, issued on April 1, 2020, authorizes quarantines of US travelers at the discretion of the Department of Health, and requires mandatory quarantines of foreign travelers. *See Exhibit 4.* The April 1, 2020 Second Amended Declaration provides for more stringent restrictions to be implemented in the event of detection and spread of COVID-19 in American Samoa.

Additionally, as of March 27, 2020, Hawaiian Airlines, the only passenger airline providing service to American Samoa from the United States suspended all flights to American Samoa, at the request of the American Samoan government, for at least 30 days. *See Exhibit 5.*

Starkist's primary contractor for this project is Pacific Engineering Projects, Ltd of Auckland, New Zealand ("Pacific Engineering"). The New Zealand government issued an Emergency Declaration for all of New Zealand beginning March 25, 2020 and continuing for at least four weeks, including a stay-at-home order, a shutdown of all non-essential businesses and a directive for New Zealand residents not to travel. *See Exhibits 6 and 7* to this letter. Additionally, travel to American Samoa from New Zealand is typically accomplished by flying through Independent State of Samoa (formerly Western Samoa). However, as of March 24, 2020, the Independent State of Samoa banned essentially all international travel. All flights were cancelled, and ship access greatly limited to only certain trade, fishing and petroleum services. Subsequently, the State of Emergency in Samoa was extended through May 2, 2020. A copy of the Samoan government's announcements are attached as Exhibits 8 and 9. As a result of these circumstances, Pacific Engineering personnel are unable to travel, and unable to travel to American Samoa.

The subcontractor working on Fire Detection and Alarm System is Island Signal & Sound, Inc., located in Hawaii. On March 23, 2020, the Governor of Hawaii issued a stay-at-home order for all residents through April 30, 2020. *See Exh. 10.* As a result, Island Signal's offices are closed, and the stay-at-home order has interrupted progress on completion of the design of the detection and alarm system. This work is expected to progress, although at a slower pace than otherwise anticipated.

The bulk of the Sprinkler System components were procured before the worldwide COVID-19 shutdowns, and were expected to arrive in American Samoa during April. Most the components are being shipped through New Zealand. The impact of COVID-19 on previously anticipated shipping schedules is currently unclear. Pacific Engineering is working to track the status of the shipments, although that effort has been frustrated by the New Zealand stay-at-home. As noted above, even if the components reach American Samoa in April, Pacific Engineering will be unable to travel to American Samoa to oversee installation.

Overall, at this point in time, it is not possible to predict with any degree of certainty when necessary personnel will be able to safely travel to American Samoa in compliance with the requirements of the American Samoa government, their home governments, and the jurisdictions through which they may need to travel. While a number of the restrictions are currently set to expire near the end of April, it would not be prudent or reasonable to assume that normal travel and business activities will be able to resume immediately thereafter. Instead, Starkist suggests that it keep US EPA apprised of relevant developments, and that Starkist provide an updated possible schedule to US EPA once conditions normalize sufficiently to be able to project such a schedule

Please let us know if you have any questions regarding these items, or if you would like to discuss these issues with us.

Sincerely yours,



Jason Kim
General Manager

enclosures

cc: (via email, w. encl)
shepherdson.melanie@epa.gov
earl.moynihan@starkist.com
scott.meece@starkist.com
jeff.roberts@starkist.com
michael.schenk@starkist.com
sdismukes@eckertseamans.com
drockman@eckertseamans.com
swildman@perkinscoie.com

From: [Connolly, Scott](#)
To: [Brahmbhatt, Roshni](#)
Subject: FW: URGENT - Docket No. R9-CAA-20-1008
Date: Monday, March 16, 2020 10:20:42 AM
Importance: High

(b) (7)(A)

From: Dennis Schroeder <Dennis@StrictlyDiesel.com>
Sent: Monday, March 16, 2020 9:49 AM
To: Connolly, Scott <Connolly.Scott@epa.gov>
Subject: URGENT - Docket No. R9-CAA-20-1008
Importance: High

Scott,

With all of the panic over the Corona stuff, schools and businesses closing for weeks, and the fact that it looks like this is just the (b) (7)(A)

[REDACTED]

Please let me know as soon as possible.

Thanks!

DENNIS SCHROEDER
Co-Owner • Strictly Diesel
dennis@strictlydiesel.com • www.strictlydiesel.com
2215 W Parkside Ln • Phoenix • AZ • 85027
T: 623-582-4404 • F: 623-582-4406



Torrance Refining Company LLC
3700 W 190th Street
Torrance, CA 90504
www.pbfenergy.com

April 22, 2020

Via Certified Mail

Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611
Reference Case No. 90-5-2-1-07030

U.S. Environmental Protection Agency
Director, Air Enforcement Division
Office of Regulatory Enforcement
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 2242-A
Washington, DC 20460

**Re: Notification of Delay to Conduct Bi-annual Laboratory Audit at Torrance
Refinery - Clean Air Act Consent Decree - Civil Action Case Number 05-C-5809**


The United States, Exxon Mobil Corporation and ExxonMobil Oil Corporation (together, "ExxonMobil") executed a consent decree subsequently entered by the United States District Court for the Northern District of Illinois at Civil Action No. 05-C-5809 (the "Consent Decree"). Pursuant to Paragraph 6 of the Consent Decree, by letter dated April 29, 2016, ExxonMobil notified the United States of the pending transfer of the Refinery from ExxonMobil to Torrance Refining Company LLC ("TORC"). As the Agency is aware, TORC subsequently took ownership of the Refinery on July 1, 2016, and has since operated in accordance with the terms of the Consent Decree applicable to the Refinery. ExxonMobil has authorized TORC to submit the required reports and notices under the Consent Decree until it or both parties have fulfilled their obligations under the 2005 Consent Decree.

Pursuant to Paragraph 218 of the Consent Decree and Paragraph C.2 of the U.S. Environmental Protection Agency's March 26, 2020 Memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program", TORC hereby provides notice of delay to conduct the first half 2020 bi-annual third party laboratory audit at

its Torrance Refinery as required under Paragraph 104(b) of the Consent Decree. The Refinery lab audit was initially scheduled for May 2020. However, due to the unavailability of the third-party lab personnel as a result of the travel and social distancing restrictions imposed by the governments, and also recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19, TORC will not be able to conduct the audit in the first part of 2020. Upon immediately learning of the audit delay, TORC reached out to the third-party lab and sought the earliest availability to conduct the audit, which has now been tentatively scheduled for August 31, 2020, pending any future restrictions imposed on TORC's Torrance Refinery due to the COVID-19 pandemic.

If you have any questions concerning this notification, please contact Roya Bozorgnia at (310) 212-3801 or Roya.Bozorgnia@pbfenergy.com.

Regards,



Steve Steach
Torrance Refinery Manager

cc:

Director, Air Enforcement Division
Office of Regulatory Enforcement
c/o Matrix New World Engineering, Inc.
26 Columbia Turnpike
Florham Park, NJ 07932

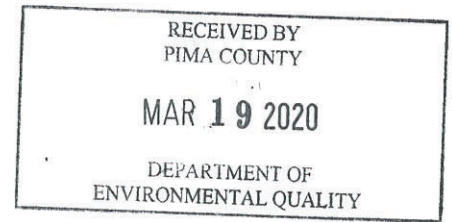
Director, Air Division
Mail Code AIR-1
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

ecc:

jmack@matrixnewworld.com
foley.patrick@epa.gov



Tucson Electric Power
Post Office Box 711, Mail Stop PP101
Tucson, Arizona 85702



Certified Mail 7019 0700 0002 1062 0012 (EPA)

March 19, 2020

Mr. Rupesh Patel
Pima County Department of Environmental Quality
33 N. Stone Avenue, Suite 700
Tucson, AZ 85701

Subject: Compliance Testing Report on Reciprocating Internal Combustion Engines
(RICE) 6-10 at Irvington Generating Station (Air Quality Permit 1052)

Dear Mr. Rupesh Patel

TEP is working diligently on reviewing the preliminary data gathered during the initial performance test of RICE Engines 6-10 which was conducted on February 10-21, 2020.

In an effort to protect employees, site contractors, and the general public, TEP is seeking to limit on-site activities by personnel as part of its larger COVID-19 response. In order to achieve this goal, TEP is requesting a 30 day extension for submitting the RICE Engine 6-10 performance testing report to the Pima County Department of Environmental Quality (PDEQ). TEP believes that this will allow sufficient time for preparing and reviewing a performance testing report of this magnitude and complexity as our organization and others adjust to working through this pandemic. TEP proposes April 17, 2020 as the new deadline for submitting the performance test report for Engines 6-10.

If you have any questions concerning this notice, please feel free to contact Pedro Reynoso at (520) 307-2406 or Mirna Leon-Galligan at (520) 745-7114.

By my signature I certify that, based on information and belief formed after reasonable inquiry, the statements and information in this document are true, accurate, and complete to the best of my knowledge.

Dylan Bearce
Power Plant Director and Responsible Official
Tucson Electric Power Company

Cc: EPA Region IX (Attn: AIR-1)
Z. Fang
C. Spencer
File

Morimoto, Kaoru

From: Nixon, Donald
Sent: Friday, May 8, 2020 12:52 PM
To: Morimoto, Kaoru
Subject: FW: Valero Benicia Refinery- Request for Information

FYI;

From: Nixon, Donald
Sent: Thursday, May 07, 2020 8:31 AM
To: Robinson, Chris <Chris.Robinson@valero.com>
Cc: Goldberg, Karen <Goldberg.Karen@epa.gov>; Morimoto, Kaoru <Morimoto.Kaoru@epa.gov>
Subject: RE: Valero Benicia Refinery- Request for Information

Hi Chris;

July 10, 2020 sounds reasonable.

Thank you and stay safe,

Don Nixon, CHMM, CSP
Inspector/Enforcement Officer
EPA Region IX, ENF-2-2
Hazardous Waste and Chemicals Section
Enforcement and Compliance Assurance Division
75 Hawthorne Street
San Francisco, CA 94105
415-972-3123

From: Robinson, Chris <Chris.Robinson@valero.com>
Sent: Thursday, May 07, 2020 7:13 AM
To: Nixon, Donald <Nixon.Donald@epa.gov>
Subject: Valero Benicia Refinery- Request for Information

Hi Don,

We have received your latest Request for Information and cover letter, dated May 4, 2020.

As we briefly discussed, the Benicia Refinery implemented measures to protect the Safety and Health of our employees and contractors during COVID-19. With these protective measures in-place, it will take us additional time to gather responsive information to your requests. Without the COVID-19 measures in-place, we would likely be able to respond within 45 days (by June 18, 2020). With the COVID-19 measures in-place, we are targeting to provide the requested information by Friday, July 10, 2020.

Please understand that in addition to protecting the Safety and Health of our employees and contractors during COVID-19, we continue to focus on maintaining Safe, Stable, and Reliable operations.

Regards,

Chris Robinson

Manager Refinery Process Safety

Valero Benicia Refinery

Phone: 707.745.7715 | Cell: 925.621.9751

From: [Chew, Andrew](#)
To: [Brahmbhatt, Roshni](#)
Subject: FW: Requesting Waiver from one of our FGS AMP Parameters -- Valero Benicia Refinery
Date: Saturday, May 9, 2020 7:22:50 AM
Importance: High

From: Suhami, Iren <Iren.Suhami@valero.com>
Sent: Friday, March 20, 2020 8:15 AM
To: Chew, Andrew <Chew.Andrew@epa.gov>
Cc: Thu Bui <TBui@baaqmd.gov>; Alexander Sohn <asohn@baaqmd.gov>; Cuffel, Donald <Don.Cuffel@valero.com>; Ronan, Kimberly A <Kim.Ronan@valero.com>
Subject: Requesting Waiver from one of our FGS AMP Parameters -- Valero Benicia Refinery
Importance: High

Hi Andrew,

Due to COVID-19, we need to cut back refinery rates to very low levels. Given the unprecedented nature of this condition, we would like to request a waiver from the FGS parameters established during the performance test we conducted in November 2018.

You will recall that our Flue Gas Scrubber (FGS) abates the FCCU as well as the Coker. When either the FCCU or the Coker is shut down, it is not possible to meet the minimum level of 19 inches H2O for the "dP across Agglo Filtering Module (AFM)" parameter.

We would appreciate your consideration of this request with urgency. Please call me if you have any questions around this request.

Regards,
Iren Suhami
Sr. Staff Environmental Engineer
Valero Benicia Refinery
510-326-2692

From: [Shepherdson, Melanie](#)
To: [Chan, Janice](#); [Brahmbhatt, Roshni](#)
Subject: FW: Western Express - CARB Audit
Date: Thursday, April 9, 2020 8:15:32 AM

See below. I recommend agreeing to the 60-day extension and checking in with Western Express in 30 days.

(b) (6)

Let me know if you are o.k. with this and I will respond to Western Express' counsel.

Thx.

From: Robert Welhoelter <rwelhoelter@westernexp.com>
Sent: Thursday, April 9, 2020 8:00 AM
To: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>
Cc: Clarence Easterday <ceasterday@westernexp.com>
Subject: RE: Western Express - CARB Audit

Melanie – we appreciate your patience. I had begun to make some progress working through the information request, (b) (6)

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(b) (6) In general, a sixty day extension would be appreciated and should be workable. Perhaps I could give you an update in thirty days and we can keep the communication going? (b) (6)

(b) (6) Appreciate your consideration.

Regards,

Rob
615-315-1192

From: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>
Sent: Tuesday, March 24, 2020 2:58 PM
To: Robert Welhoelter <rwelhoelter@westernexp.com>
Cc: Clarence Easterday <ceasterday@westernexp.com>
Subject: RE: Western Express - CARB Audit

Rob,

Thank you for following up with the email below. Typically after a company contacts the Agency through counsel my office coordinates communication. I have informed Janice Chan and Roshni Brahmbhatt in the program office of our conversation last week regarding extending the deadline for Western Express to respond to the information request.

EPA understands that the tornado and Covid-19 are impacting Western Express' business and that the situation continues to evolve. Given the circumstances I would appreciate receiving a proposed timeline for a response from Western Express in two weeks.

Please give me a call if you would like to discuss further.

Thank you.

Melanie

Melanie Shepherdson
Supervising Attorney
Office of Regional Counsel
U.S. EPA, Region 9
75 Hawthorne St.
San Francisco, CA 94105
(415) 972-3923

The contents of this e-mail and any attachments to it may be attorney-client or deliberative-process privileged.

From: Robert Welhoelter <rwelhoelter@westernexp.com>
Sent: Tuesday, March 24, 2020 11:48 AM
To: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>
Cc: Clarence Easterday <ceasterday@westernexp.com>
Subject: Western Express - CARB Audit

Ms. Shepherdson:

As you know, we are in receipt of the audit letter dated February 19, 2020. I appreciate the conversation we had last week where I indicated that Western's headquarters in Nashville, TN had been hit by a tornado three weeks ago on the morning of March 3, 2020. Three buildings were completely destroyed. As you can imagine, that has had a tremendously disruptive impact on our business. As recently as last week, hundreds of employees were getting moved to a temporary facility and support functions like AR, AP, claims, finance, and legal were nearing being back on line in a temporary facility. The strain on our IT department has been monumental.

And now with the corona virus (Nashville has issued a quarantine order for the next couple weeks), we have struggled to get normal operations implemented via connectivity solutions that weren't contemplated or even needed a few days ago. As a result, I have not been able to develop a time line on gathering the requested information, but if given another week or so, I should be able to at least understand our situation a bit better to provide a realistic timeline. To provide one now would

just be a guess. If I don't hear from you, I will work to provide a more coherent response timeline by the end of next week.

We appreciate your understanding and please do not hesitate to give me a call if you have questions or concerns. If you have any further insights as to the impact on Corona-virus from your program's perspective, that would be welcome information. I have cc'd our Senior VP of Risk Management, Clarence Easterday, who reached out to the agency side of the EPA at the same time I first called you. He has not heard back but since we are talking, I don't suppose that's a big deal. Stay safe and please do give me a call if we need to talk. Appreciate it.

Regards,

Rob

Rob Welhoelter

Attorney & Vice President of Risk Management

WESTERN EXPRESS, INC.

615-846-6978 (direct)

615-315-1192 (mobile)

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Morimoto, Kaoru

From: Morimoto, Kaoru
Sent: Friday, May 8, 2020 2:18 PM
To: Morimoto, Kaoru
Subject: FW: FYI - EPA settles with World Oil companies over hazardous waste violations at Southern Calif. facilities

From: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Sent: Friday, April 24, 2020 10:08 AM
To: pkwon@aqmd.gov; mhajibabaei@aqmd.gov; ckusnandar@aqmd.gov; Lin, Sharon <Lin.Sharon@epa.gov>
Subject: RE: FYI - EPA settles with World Oil companies over hazardous waste violations at Southern Calif. facilities

Patricia,

Tessa has moved to EPA's HQ office in Washington, D.C., but she forwarded your note to me to respond. First, thank you for bringing this to our attention and for you and your team's efforts to complete this project. EPA wholly understands the difficulties of much of our work at present, and wants to ensure that all work such as this project proceeds in a manner that is as safe for the implementers and those around them as it is good for the environment (better, really, as human health is always our priority). Accordingly, we can be flexible. Please keep us apprised of your progress and anticipated schedules as you can, and if you have further questions, of course, please let us know! Be well!

J. Andrew Helmlinger
Supervising Attorney
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Patricia Kwon <pkwon@aqmd.gov>
Sent: Friday, April 24, 2020 11:52 AM
To: Lin, Sharon <Lin.Sharon@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>
Cc: Maryam Hajbabaei <mhajibabaei@aqmd.gov>; Christina Kusnandar <ckusnandar@aqmd.gov>
Subject: RE: FYI - EPA settles with World Oil companies over hazardous waste violations at Southern Calif. facilities

Hi,

I just wanted to make you aware that we are trying to complete the air filtration SEP for World Oil by June 25, 2020 but have run into issues with accessing Jefferson ES to perform the site assessment and the installation due to COVID-19 restrictions. We are finding that school districts are handling this situation very differently and some schools plan to remain closed until at least the fall. Also some school districts are allowing access to their schools by outside contractors while other school districts are not. This largely depends on whether school districts utilize the time period while students are away to perform maintenance and other facility activities or choose to decontaminate and close their schools entirely. We are still negotiating access with Compton USD to perform work at Jefferson ES and it is taking longer than anticipated, and we may need to work through their legal counsel to resolve any remaining issues for access.

In the event that an extension is necessary, we are hoping that EPA can provide flexibility as well as leniency for World Oil in not enacting any additional penalties due to a delay in completing the air filtration SEP. We are happy to further discuss and keep you updated on this evolving situation. We believe that an extension of

9-12 months should be sufficient and will work to complete the project as quickly as possible. Thanks for your understanding and hope that you and your families are staying safe, and teleworking as much as you can, to keep the work of both of our agencies moving forward.

Also I wanted to introduce you to my colleague Maryam Hajbabaei, who recently joined the Technology Demonstration group and will be taking over our air filtration projects moving forward. Christina Kusnandar is handling contracting and invoicing for this SEP.

Patricia

Patricia Kwon
Program Supervisor
Technology Demonstration
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
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